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**THE
UTTAR PRADESH
LOCAL ACTS
1956-1957
(ANNOTATED)**

**with
Rules, Notifications and Orders, etc.
and
Alphabetical and Chronological Tables of Acts 1836-1957**

**THE
FIRST SUPPLEMENT
to
S. M. Husain's
U. P. LOCAL ACTS 1836-1955
Vols. I to IV**

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185	Motor Vehicle Taxation Act Rules made under the Act Amendments to Rules	5 of 1935	III, p. 1719 III, p. 1731	425
186	Municipalities Act	2 of 1916	III, p. 1751	
187	Municipalities (Supplementary) Act	3 of 1951	III, p. 1934	

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188	Municipalities (Supplementary and Validation) Act	15 of 1951	III, p. 1935	
189	Muslim Waqfs Act	13 of 1936	III, p. 1947	
190	Muslim Waqfs (Amendment) Act	34 of 1951	III, p. 1968	
N				
191	Naik Girl's Protection Act	2 of 1929	III, p. 1969	
192	U. P. National Parks Act	1 of 1935	III, p. 1973	
193	Northern India Canal and Drainage Act	8 of 1873	III, p. 1972	
194	Northern India Ferries Act	17 of 1878	III, p. 2005	
195	North Western Provinces and Oudh Act	20 of 1890	III, p. 2014	
196	North Western Provinces Village and Road Police Act	16 of 1873	III, p. 2018	
197	Nurses, Midwives, Assistant Midwives and Health Visitors Registration Act	15 of 1934	III, p. 2021	
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198	Objectionable Advertisements Control Act Rules made under the Act	1948 1952	IV, p. 2033 IV, p. 2036	
199	Official Language Act	26 of 1951	IV, p. 2038	
200	Opium Smoking Act Rules made under the Act	3 of 1934 1935	IV, p. 2039 IV, p. 2046	
201	Oudh Amanati Notes Act	3 of 1918	IV, p. 2050	
202	Oudh Estates Act	1 of 1869	IV, p. 2050	
203	Oudh Laws Act	18 of 1876	IV, p. 2076	
204	Oudh Settled Estates Act	5 of 1917	IV, p. 2094	
205	Oudh Taluqdars' Relief Act	24 of 1870	IV, p. 2102	
206	Oudh Wasikas Act	21 of 1886	IV, p. 2108	
P				
207	Panchayat Raj Act Amend.—S. 95 amended by —Ss. 2, 5-A, 37 and 95 amended by Rules made under the Act Amendments to Rules	5 of 1947 30 of 1956 19 of 1957 1947	IV, p. 2109 IV, p. 2168	134 261 426
208	Panchayat Raj (Term of Office) (Supplementary) Act	6 of 1954	IV, p. 2256	
209	Parliamentary Secretaries (Removal of Disqualification) Act	2 of 1950	IV, p. 2257	

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210	Police (Uttar Pradesh Amendment) Act	2 of 1939	IV, p. 2258	
211	Police (U. P. Amendment) Act	2 of 1944	IV, p. 2259	
212	Police (U. P. Amendment) Act	32 of 1952	IV, p. 2260	
213	Power Alchohal Act	8 of 1940	IV, p. 2260	
214	Provincial small sause courts (U. P. Amend.) Act, 1957	17 of 1957		259
215	Prevention of Cow Slaughter Act Rules under the Act	1 of 1956	IV, p. 2267	3
216	Prevention of Crimes (Special Powers) (Temporary) Act Rules made under the Act	5 of 1949 1949	IV, p. 2273 IV, p. 2281	
217	Primary Education Act	7 of 1919	IV, p. 2287	
218	Prisoners' Release on Probation Act Rules under the Act	8 of 1938 1938	IV, p. 2292 IV, p. 2294	
219	Private Forests Act	6 of 1948	IV, p. 2304	
220	Procedure of High Court Act	13 of 1869	IV, p. 2328	
221	Prohibition of Simultaneous Membership of Legislature Act	22 of 1950	IV, p. 2329	
222	Prohibition of Simultaneous Membership of Legislature (Supplementary) Act	5 of 1952	IV, p. 2330	
223	Prohibition of Smoking (Cinema Houses) Act	30 of 1952	IV, p. 2331	
224	Provident Funds (U' P. Amendment) Act	19 of 1953	IV, p. 2333	
225	Pradeshik Armed Constabulary Act	40 of 1948	IV, p. 2333	
226	Provincialization of Hospitals Act	8 of 1947	IV, p. 2339	
227	Public Gambling Act	3 of 1867	IV, p. 2342	
R				
228	Rakshak Dal Act	38 of 1948	IV, p. 2350	
229	Rampur (Application of Laws) Act	12 of 1950	IV, p. 2355	
230	Rampur Stay of Ejectment Suits and Proceedings Act	21 of 1951	IV, p. 2365	
231	Rampur Thekedari and Pattedari Abolition Act	10 of 1953	IV, p. 2366	
232	Refugees Registration and Movement Act	7 of 1948	IV, p. 2372	
233	Refugees Rehabilitation (Loans) Act	28 of 1948	IV, p. 2375	
234	Regulation of Agricultural Credit Act	14 of 1940	IV, p. 2380	
235	Religious Endowments (Uttar Pradesh) Amendments Act	29 of 1951	IV, p. 2396	

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236	Repealing and Amending Act, 1956	30 of 1956		131
237	Repealing and Amending Act	5 of 1957		189
238	Requisition of Motor Vehicles (Emergency Powers) Act	27 of 1947	IV, p. 2397	
239	Restoration of Lands and Houses Act	17 of 1947	IV, p. 2401	
240	Road Transport Services (Development) Act Rules made under the Act	9 of 1955 1955	IV, p. 2407 IV, p. 2418	
241	Roadside Land Control Act	10 of 1945	IV, p. 2426	
242	Rural Development (Ecquisitioning of Land) Act Rules made under the Act	27 of 1948 1948	IV, p. 2435 IV, p. 2441	
3				
243	Sales of Motor Spirit Taxation Act Amend.—S. 2 and 3 amended by Notification	1 of 1939 15 of 1957	IV, p. 2446	253 427
244	Sales Tax Act	15 of 1948	IV, p. 2451	
245	Sales Tax (Amendment) Act	15 of 1948	IV, p. 2473	
246	Sales Tax (Amendment) Act	40 of 1942	IV, p. 2473	
247	Sales Tax (Amendment) Act	18 of 1953	IV, p. 2474	
248	Sales Tax (Amendment) Act	8 of 1954	IV, p. 2475	
249	Sales Tax (Amendment) Act	16 of 1956	IV, p. 2475	
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252	Sales Tax (Third Amendment) Act	32 of 1956	IV, p. 2477	136
253	Sales Tax (Amendment) Act	24 of 1957	IV, p. 2478	271
254	Sales Tax (Second Amend.) Act Rules made under the Act.	32 of 1957 1948	IV, p. 2479	322
255	Shops and Commercial Establishments Act Rules made under the Act Abstract of the Act	22 of 1947 1947	IV, p. 2500 IV, p. 2511 IV, p. 2522	
256	Soil Conservation Act	11 of 1954	IV, p. 2525	
257	Special Powers Act	14 of 1932	IV, p. 2534	
258	Stamp (Amendment) Act	3 of 1936	IV, p. 2538	
259	Stamp (Amendment) Act	10 of 1938	IV, p. 2542	
260	Stamp (U. P. Amendment) Act	7 of 1941	IV, p. 2543	
261	Stamp (Amendment) Act	17 of 1948	IV, p. 2544	

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262	Stamp (Amendment) Act	28 of 1952	IV, p. 2545	
263	State Legislature Members Prevention of Disqualification Act	19 of 1951	IV, p. 2569	
264	Sri Har Prasad Shiksha Nidhi, Banaras (Confirmation of Compromise) (Transfer of Property) Act	12 of 1954	IV, p. 2570	
265	State Legislature Members (Life Insurance) (Prevention of Disqualification) Act	35 of 1956		140
266	State Legislature Members Prevention of Disqualification Act	4 of 1952	IV, p. 2570	
267	State Legislature Members Prevention of Disqualification (Supplementary) Act	20 of 1953	IV, p. 2571	
268	State Legislature Members (Prevention of Disqualification) (Second) Act Amend.—S. 3 amended by	13 of 1952 25 of 1957	IV, p. 2572	273
269	State Legislature Members (Prevention of Disqualification) Act	16 of 1955	IV, p. 2573	
270	State Legislature Members (Prevention of Disqualification) (Supplementary) Act	3 of 1957		187
271	State Legislature Members (Prevention of Disqualifications) (Amend.) Act	25 of 1957		272
272	State Legislature (Officers' Salaries and Allowances) Act Amendments—Ss. 3 amended and 4-A, 5-A inserted by	11 of 1952 8 of 1956	IV, p. 2574	27
273	State Legislature Officers, Ministers, Deputy Ministers, Parliamentary Secretaries and Members (Salaries and Allowances and Misc.) Provisions Act Amend.—S. 5 amended by	8 of 1956 29 of 1957		27 279
274	State Road Transport Act	2 of 1950	IV, p. 2575	
275	State Tube-Wells Act	12 of 1936	IV, p. 2581	
276	State Tube-Wells (Amendment) Act	4 of 1954	IV, p. 2584	
277	Stay of Suits and Proceedings (Mirzapur) Act	20 of 1952	IV, p. 2585	
278	Storage Requisition Act Amended by	21 of 1955 23 of 1956	IV, p. 2586	104
279	Sugar and Power Alcohol Industries Labour Welfare and Development Fund Act	16 of 1950	IV, p. 2589	
280	Sugar and Power Alcohol Industries Labour Welfare and Development Fund (Supplementary) Act	1953	IV, p. 2596	
281	Sugarcane Cess Act Rules under the Act Notification	22 of 1956		96 100 427

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283	Suits Valuation Act Rules under the Act	7 of 1887 1942	IV, p. 2647 IV, p. 2656	
284	Suppression of Immoral Traffic Act	8 of 1933	IV, p. 2658	
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285	Tehri-Garhwal Revenue Officials (Special Powers) Act	25 of 1956		105
286	Temple Entry (Declaration of Right) Act, 1956	33 of 1956		137
287	Town Areas Act	2 of 1914	IV, p. 2661	
288	Town Improvement Act	8 of 1919	IV, p. 2684	
289	Town Improvement (Adaptation) Act	47 of 1948	IV, p. 2726	
290	Town Improvement (Appeals) Act	3 of 1920	IV, p. 2731	
291	Transfer of Property (Validating) Act	26 of 1917	IV, p. 2732	
U				
292	Universities (Amendment) Act	15 of 1236		53
293	Urban Areas Zamindari Abolition and Land Reforms Act Rules under the Act	9 of 1956		207 233
294	Usurious Loans (U. P. Amendment) Act No.	33 of 1934	IV, p. 2734	
V				
208	Vaccination Law Amendment Act	2 of 1907	IV, p. 2735	
209	Validation of Registration Act	4 of 1894	IV, p. 2737	
210	Varanaseya Sanskrit Vishva Vidyalaya Act	28 of 1956		109
211	Veterinary Council Act	20 of 1947	IV, p. 2739	
212	Village Abadi Act	3 of 1948	IV, p. 2749	
213	Village and Road Police Act	16 of 1873	IV, p. 2750	
W				
214	Weights and Measures Act	23 of 1947	IV, p. 2753	
215	Wild Birds and Animals Protection Act	7 of 1912	IV, p. 2762	
216	Women's and Children's Institutions (Control) Act	2 of 1957		176
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217	Zamindars' Debt Reduction Act Rules under the Act	15 of 1953 1953	IV, p. 2764 IV, p. 2770	

Chronological Table of Un-repealed Central Acts as applied to Uttar Pradesh, 1836-1957

Note—The Amending Acts which have been incorporated in the Principal Acts are not given in this table.

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1.	1836	10	I, p. 383.	16.	1883	19	III, p. 1544.
2.	1856	12	I, p. 530.	17.	1884	12	I, p. 120.
3.	1867	1	II, p. 1299.	18.	1886	5	III, p. 1697.
4.		3	IV, p. 2342.	19.	1886	21	IV, p. 2108.
5.	1860	1	IV, p. 2052.	20.	1887	7	IV, p. 2647.
6.		13	IV, p. 2328.	21.		12	I, p. 371.
7.	1870	7	II, p. 797.	22.	1890	20	III, p. 2014.
8.		24	IV, p. 2102.	23.	1912	8	IV, p. 2762.
9.	1871	21	II, p. 986.	24.		2	II, p. 732.
10.	1873	8	III, p. 1978.	25.	1915	16	I, p. 335.
11.		16	III, p. 2018.	26.	1917	26	IV, p. 2732.
12.	1876	18	IV, p. 2076.	27.	1920	3	IV, p. 2731.
13.	1878	15	II, p. 1380.	28.		40	I, p. 225.
14.		17	III, p. 2005.	29.	1952	10	I, p. 465.
15.	1879	14	II, p. 1339.				

Chronological Table of Un-repealed Uttar Pradesh Acts 1836-1957

Note.—The Amending Acts which have been incorporated in the Principal Acts are not given in this table.

Sl. No.	Year	Act No.	Vol. No. and Page	Sl. No.	Year	Act No.	Vol. No. and Page
1.	1873	16	IV, p. 2750	41.		25	II, p. 1111.
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3.	1896	2	II, p. 1375.	43.	1935	1	III, p. 1973.
4.	1899	2	I, p. 553.	44.		5	III, p. 1719.
5.	1901	3	III, p. 1551.	45.	1936	3	IV, p. 2538.
6.	1903	1	I, p. 441.	46.	1936	4	I, p. 532.
7.	1903	2	I, p. 426.	47.		10	II, p. 1256.
8.	1904	1	II, p. 1303.	48.		11	II, p. 791.
9.		3	I, p. 328.	49.		12	IV, p. 2581.
10.	1907	2	IV, p. 2735.	50.		13	III, p. 1947.
11.	1910	6	II, p. 1185.	51.	1937	5	III, p. 1603.
12.	1912	2	II, p. 732.	52.		8	II, p. 1148.
13.		4	II, p. 878.	53.	1938	4	III, p. 1650.
14.	1914	1	III, p. 1608.	54.		5	III, p. 1601.
15.	1914	2	IV, p. 2661.	55.		6	II, p. 1265.
16.	1916	2	III, p. 1753.	56.		7	I, p. 416.
17.	1917	3	III, p. 1662.	57.		8	IV, p. 2292.
18.		5	IV, p. 2094.	58.		11	I, p. 288.
19.	1918	3	IV, p. 2050.	59.		12	I, p. 385.
20.	1919	1	II, p. 1315.	60.		16	III, p. 1673.
21.		7	IV, p. 2287.	61.		18	IV, p. 2542.
22.		8	IV, p. 2684.	62.	1939	1	IV, p. 2446.
23.	1920	1	III, p. 1682.	63.		2	IV, p. 2258.
24.		4	I, p. 462.	64.		10	III, p. 1395.
25.		5	III, p. 1625.	65.		16	I, p. 307.
26.		7	II, p. 1170.	66.	1940	7	III, p. 1602.
27.	1921	2	III, p. 1433.	67.		8	IV, p. 2260.
28.		3	I, p. 258.	68.		9	I, p. 546.
29.	1922	1	I, p. 123.	69.		13	II, p. 929.
30.		7	I, p. 460.	70.		14	IV, p. 2380.
31.		10	II, p. 998.	71.	1941	7	IV, p. 2543.
32.		12	I, p. 404.	72.		39	I, p. 9.
33.	1926	1	II, p. 1086.	73.	1942	7	I, p. 509.
34.		8	I, p. 15.	74.		11	II, p. 1354.
35.	1929	2	III, p. 1969.	75.	1944	2	IV, p. 2259.
36.		8	III, p. 1680.	76.		3	II, p. 1259.
37.	1932	14	IV, p. 2534.	77.	1945	5	I, p. 303.
38.	1933	8	IV, p. 2658.	78.		6	III, p. 1454.
39.	1934	3	IV, p. 2039.	79.		10	IV, p. 2426.
40.		15	III, p. 2021.	80.	1947	2	II, p. 726.

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83.		5	II, p. 778.	131.		20	I, p. 476.
84.		8	IV, p. 2339.	132.		22	IV, p. 2329.
85.		15	III, p. 1515.	133.		24	III, p. 1387.
86.		17	IV, p. 2401.	134.		28	III, p. 1596.
87.		20	IV, p. 2739.	135.	1951	2	IV, p. 2575.
88.		22	IV, p. 2500.	136.		4	III, p. 1507.
89.		23	III, p. 1703.	137.		5	III, p. 1934.
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91.		26	III, p. 2109.	139.		8	I, p. 290.
92.		27	IV, p. 2397.	140.		10	III, p. 1717.
93.		28	III, p. 1412.	141.		13	I, p. 291.
94.	1948	2	III, p. 1506.	142.		14	III, p. 1597.
95.		3	IV, p. 2749.	143.		15	III, p. 1935.
96.		7	IV, p. 2372.	144.		16	IV, p. 2589.
97.		11	III, p. 1716.	145.		17	I, p. 288.
98.		13	II, p. 1252.	146.		18	III, p. 1391.
99.		15	IV, p. 2451.	147.		19	IV, p. 2569.
100.		17	IV, p. 2544.	148.		20	III, p. 1622.
101.		23	IV, p. 2753.	149.		21	IV, p. 2365.
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105.		32	III, p. 1519.	153.		25	III, p. 1426.
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108.		38	IV, p. 2350.	156.		29	IV, p. 2396.
109.		40	IV, p. 2333.	157.		30	I, p. 1.
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112.		46	I, p. 548.	160.	1952	1	I, p. 479.
113.		47	IV, p. 2726.	161.		2	I, p. 293.
114.		48	III, p. 1604.	162.		3	I, p. 294.
115.	1949	2	IV, p. 2033.	163.		4	IV, p. 2570.
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117.		5	IV, p. 2273.	165.		8	II, p. 1356.
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119.		8	I, p. 550.	167.		10	III, p. 1679.
120.		9	II, p. 781.	168.		11	IV, p. 2574.
121.		10	I, p. 205.	169.		12	III, p. 1598.
122.	1950	1	III, p. 1595.	170.		13	IV, p. 2572.
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124.		7	I, p. 220.	172.		15	III, p. 1594.
125.	1950	8	III, p. 1676.	173.		19	I, p. 294.
126.		9	II, p. 877.	174.		20	IV, p. 2585.
127.		12	IV, p. 2355.	175.		26	I, p. 295.
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180.		33	II, p. 1095.	228.	1956	1	Supple., p. 1.
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200.		29	II, p. 1317.	248.		21	" p. 96.
201.		30	I, p. 414.	249.		22	" p. 96.
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205.		5	I, p. 557.	253.		26	" p. 107.
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207.		7	I, p. 475.	255.		28	" p. 109.
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216.		22	III, p. 1541.	264.	1957	1	Supple., p. 155.
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219.	1955	4	I, p. 302.	267.		4	" p. 188.
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**THE
UTTAR PRADESH
LOCAL ACTS
1956**

**THE U. P. PREVENTION OF COW SLAUGHTER
ACT, 1955***

(U. P. Act No. I of 1956)

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8. Penalty.
9. Offences to be cognizable and non-bailable.
10. Power to make rules.

[*Authoritative English Text† of the Uttar Pradesh Go-Vadh Nivaran Adhiniyam, 1955*]

AN ACT

to prohibit and prevent the slaughter of cow and its progeny in Uttar Pradesh

Whereas it is expedient to prohibit and prevent the slaughter of cow and its progeny in Uttar Pradesh ;

It is hereby enacted in the sixth year of the Republic of India as follows :

Prefatory Note.—Extract from Statement of Objects and Reasons :—

"Article 48 of the Constitution of India enjoins on the State Government to organise agriculture and animal husbandry on modern and scientific lines and in particular to take steps for preserving and improving the breeds and prohibiting the slaughter of cow and its progeny. All efforts to protect the cow in the past including even the war-time legislative measures banning slaughter of certain categories of useful stock, have not brought about any satisfactory results. In view of this experience and the consideration that the cow and its progeny must be saved with a view to provide milk, bullock power as well as manure, it becomes imperative to impose a complete ban on cow slaughter." Vide U. P. Gaz. Extra. dated March 30, 1955.

1. Short title, extent and commencement.—(1) This Act may be called the Uttar Pradesh Prevention of Cow Slaughter Act, 1955.

(2) It extends to the whole of Uttar Pradesh.

(3) It shall come into force at once.

***Note.**—The Act was passed in Hindi by the Uttar Pradesh Legislative Assembly on September 8, 1955 and by the Uttar Pradesh Legislative Council on September 21, 1955.

Received the assent of the President on December 30, 1955, under Article 201 of the Constitution of India and was published in the *U. P. Gazette Extraordinary*, dated January 6, 1956.

†Published in the *U. P. Gazette Extraordinary*, dated January 6, 1956.

2. Definitions.—In this Act unless there is anything repugnant in the subject or context,—

- (a) “beef” means flesh of cow but does not include flesh of cow contained in sealed containers and imported as such into Uttar Pradesh ;
- (b) “cow” includes a bull, bullock, heifer, or calf ;
- (c) “prescribed” means prescribed by rules made under this Act ;
- (d) “slaughter” means killing by any method whatsoever and includes maiming and inflicting of physical injury which in the ordinary course will cause death ;
- (e) “State Government” means the Government of Uttar Pradesh ; and
- (f) “uneconomic cow” includes stray, unprotected, infirm, disabled, diseased or barren cow.

3. Prohibition of cow slaughter.—Notwithstanding anything contained in any other law for the time being in force or any usage or custom to the contrary, no person shall slaughter or cause to be slaughtered or offer or cause to be offered for slaughter any cow in any place in Uttar Pradesh.

4. Section 3 not to apply to diseased, or under experimentation cows.—(1) Nothing in Section 3 shall apply to the slaughter of a cow—

- (a) which is suffering from any contagious or infectious disease notified as such by the State Government ; or
- (b) which is subjected to experimentation in the interest of medical and public health research,

where the slaughtering is done in accordance with the conditions and circumstances to be prescribed.

(2) Where a cow is slaughtered for the reasons stated in clause (a) of sub section (1) the person who slaughters or causes to be slaughtered such cow shall within twenty-four hours of the slaughter, lodge information of the same at the nearest Police Station or before such Officer or authority as may be prescribed.

(3) The carcass of the cow slaughtered under clause (a) of sub-section (1) shall be buried or disposed of in such manner as may be prescribed.

5. Prohibition on sale of beef.—Except as herein excepted and notwithstanding anything contained in any other law for the time being in force, no person shall sell or transport or offer for sale or transport or cause to be sold or transported beef or beef-products in any form except for such medicinal purposes as may be prescribed.

Exception.—A person may sell and serve or cause to be sold and served beef or beef-products for consumption by a bona fide passenger in an aircraft or railway train.

6. Establishment of institutions.—There shall be established by the State Government or by any local authority, wherever so directed by the State Government, institutions as may be necessary for taking care of uneconomic cows.

7. Levy of charges of fees.—The State Government or the local authority, as the case may be, may levy such charges or fees as may be prescribed for keeping uneconomic cows in the institutions.

8. Penalty.—(1) Whoever contravenes or attempts to contravene or abets the contravention of the provisions of Section 3 or 5 shall be guilty of an offence punishable with rigorous imprisonment for a term which may extend to two years or with fine which may extend to one thousand rupees or with both.

(2) Whoever fails to lodge the information in the manner and within the time stated in sub-section (2) of Section 4 shall be guilty of an offence punishable with simple imprisonment for a term which may extend to one year or with fine which may extend to two hundred rupees or with both.

(3) In any trial for an offence punishable under sub-section (1) or sub-section (2) the burden of proving that the slaughtered cow belonged to the class specified in clause (a) of sub-section (1) of Section 4 shall be on the accused.

9. Offences to be cognizable and non-bailable.—Notwithstanding anything contained in the Code of Criminal Procedure, 1898, an offence punishable under sub-section (1) of Section 8 shall be cognizable and non-bailable.

10. Power to make rules.—(1) The State Government may make rules for the purpose of carrying into effect the provisions of this Act.

(2) Without prejudice to the generality of foregoing powers, such rules may provide for—

- (a) the conditions and the circumstances under which cows are to be slaughtered under sub-section (1) of Section 4 ;
- (b) the manner in which diseases shall be notified under sub-section (1) (a) of Section 4 ;
- (c) the manner in which the information shall be lodged under sub-section (2) of Section 4 ;
- (d) the manner in which and conditions under which beef or beef-products are to be sold or sold and served under Section 5 ;
- (e) the matters relating to the establishment, maintenance, management, supervision and control of institutions referred to in Section 6 ;
- (f) the duties of any office or authority having jurisdiction under this Act, the procedure to be followed by such office or authority ; and
- (g) the matters which are to be and may be prescribed.

THE U. P. PREVENTION OF COW SLAUGHTER RULES, 1956

1. Short title.—These rules may be called the Uttar Pradesh Prevention of Cow Slaughter Rules, 1956. These Rules shall apply to the whole of Uttar Pradesh and come into force immediately.

2. Definitions.—In these rules, unless there is anything repugnant in the subject or context :

- (a) "Act" means the Uttar Pradesh Prevention of Cow Slaughter Act, 1955 (U. P. Act I of 1956).
- (b) "Contagious or infectious diseases" means any disease which may be notified as such by the State Government from time to time.

- (c) "Officer or Authority" means an officer of the State Government who is notified to exercise powers under the Act.
- (d) "Medicinal purposes" means the use of beef or beef products in the diet of patients or for medicines as may be notified by State Government.
- (e) "Beef products" means the products prepared from the flesh of cow; but does not include such products prepared from the flesh of cow and contained in sealed containers and imported as such into Uttar Pradesh.
- (f) "Local Authority" means an Institution, a Corporation, Municipal Board, District Board, Town Area, Notified Area, a Cantonment Board or such other authority as may be notified as such for exercising the functions under the Act.

3. A cow which is suffering or is suspected to be suffering from (1) Tuberculosis, (2) Johne's disease, or (3) any other contagious or infectious disease as may be notified by State Government from time to time, can be slaughtered or caused to be slaughtered or offered or caused to be offered for slaughter.

4. Any person whose cow is suffering or is believed to be suffering from a contagious or an infectious disease shall in writing, on the prescribed application form, offer that cow for inspection to the nearest Stockman or Stock Supervisor of the Animal Husbandry Department if there is no Veterinary Assistant Surgeon available, with a view to ascertaining whether that cow is really suffering from such a disease. If the Stockman/Stock Supervisor considers that the cow is suffering from a contagious or infectious disease, he shall endorse the application to the Veterinary Assistant Surgeon of the area.

5. On a written request being received from any person either through a Stockman/Stock Supervisor or directly, for a certificate that a particular cow offered by him for inspection, is suspected to be suffering from a contagious disease, the Veterinary Assistant Surgeon of the area concerned shall examine that cow, and if he is satisfied that it is suffering from any of the contagious diseases as have been notified as such by the State Government, he shall issue a certificate for its slaughter in Form A prescribed in these Rules.

6. After the certificate prescribed in Rule 5 has been obtained, the owner of such a cow shall slaughter or cause it to be slaughtered either at his own land or at a place reserved for the purpose by the Gaon Sabha, Corporation, Municipal Board, Cantonment Board, District Board, Town Area or Notified Area Committee as the case may be.

7. When a cow is slaughtered in the manner laid down in Rules 2—6, the person who slaughters or causes to be slaughtered such a cow shall within 24 hours of the slaughter lodge information of the said slaughter with a Police Officer not below the rank of a Sub-Inspector of Police of the Circle or Thana or a Sarpanch of a Gaon Panchayat, Naib-Tahsildar, President or Secretary of a District or Municipal Board, Town Area or Notified Area Committee of the place in which the owner of the cow resides.

8. The carcass of such a cow will either be buried deep on the owner's own land or at a place reserved for this purpose by the Municipal or District Board or Town Area or Notified Area or disposed of in

accordance with the instructions of the Stockman, Stock Supervisor or the Veterinary Assistant Surgeon as the case may be.

9. The following institutions or such other institutions as may be notified hereafter by the State Government, are authorised to slaughter a cow in order to undertake an experimental and research work in the interest of medical and public health research:

- (a) The Indian Veterinary Research Institute, Izatnagar, and Mukteswar,
- (b) Veterinary College, Mathura.
- (c) Biological Products Section, Badshahbagh, Lucknow.

10. Such institutions will maintain a record of the cows so slaughtered and also of the experimental and research work undertaken.

11. Any person or persons, a Firm or a Company which undertakes to sell or transport or offer for sale or cause to be sold or transported beef or beef products for medicinal purposes shall be required to obtain a licence for the purposes in the prescribed form.

12. The sale of beef or beef products for medicinal purposes shall be regulated in the manner as may be prescribed in the Form of licence under rule 11.

13. The licence as required under rules 11 and 12 will be issued by the District Magistrate or such other officer empowered by him in this behalf.

14. The licensee will pay such fee as may be prescribed by the licensing authorities with the approval of the State Government.

FORM 'A'

(Article 4)

(Application for Inspection)

To

Veterinary Assistant Surgeon

The Live-stock Supervisor

Veterinary Stockman

Incharge.....

.....

.....

I have the honour to request you to kindly examine my.....
(here describe the animals, colour and approximate age) located at.....
which is suspected to be suffering from..... a notified
contagious and infectious disease of animals and issue me a certificate for
the slaughter of the said..... as required under the Uttar Pradesh
Prevention of Cow Slaughter Rules, 1956.

Yours faithfully,

Signature.

Date

Address

Forwarded to the Veterinary Assistant Surgeon/District Live-stock Officer incharge.....with the remarks that the..... suspected on reasonable grounds to be suffering..... which is a notified disease.

Date.....

Live stock-Supervisor

Veterinary Stockman

I/C.

FORM 'B'

(Article 5)

Certificate of suspected disease

I..... Veterinary Assistant Surgeon
..... District Live-stock Officer of
..... having thoroughly examined.....
..... property of at premises.
that the..... is affected with a notified contagious
disease and may be slaughtered.

Date.....

Veterinary Assistant Surgeon

District Live-stock Officer.

FORM 'C'

(Article 7)

Information of Slaughter

To

(Any nearest local authority as on the reverse)

This is to intimate that a has been
slaughtered on..... at..... within the pre-
mises of on the certificate
..... issued by the
..... on the licence

Veterinary Assistant Surgeon

District Magistrate
/for medicinal purposes.

Date.....

*Signature and address of
Slaughterer or Owner.*

1. The Police Sub-Inspector.....
2. Sarpanch of Gaon Sabha.....
3. Naib-Tahsildar.....
4. President or Secretary of District Board.....
5. Chairman of Municipal Board.....
6. Town Area or Notified Area.....

FORM 'D'

(Articles 11, 12 and 13)

*Form of licence to sell or transport, etc.
Counterfoil of licence*

Book No.

Serial No.

FORM 'D'

(Articles 11, 12 and 13)

*Form of licence to sell or transport, etc.
Licence*

Book No.

Serial No.

Whereas Sri.....
s/o Sri.....
resident/proprietor of.....
.....has paid to the
State Government of Uttar Pradesh
the required licence fee, he is per-
mitted to sell or transport, etc. beef
or beef products within the limit of
...../for medicinal purposes on
the advice of a physician during the
year 195 to.....195

Given under the.....*Signature of*
.....of the District *District*
Magistrate. *Magistrate*
or his
nominee

Date of issue

1. Certificate for medicinal use
of beef is to be granted by a pyhsi-
cian not below the rank of the Assis-
tant Civil Surgeon and beef or beef
products shall be sold to such per-
sons only by the licensee.

2. The limit of operation is to
be specified as the case may be :
Municipality, Gram Sabha, Pan-
chayat, Town Area or Notified Area
or the State of Uttar Pradesh.

THE BENGAL, AGRA AND ASSAM CIVIL COURTS (EXTENSION TO OUDH) ACT, 1955

(U. P. Act No. II of 1956)

CONTENTS

Sections

1. Short title, extent and commencement.
2. Application of Act XII of 1887 to Oudh.
3. Courts, etc. established under U. P. Act IV of 1925.

Sections

4. Pending suit or proceedings.
5. Pending appeals and transitory provisions.
- 6.

[*Authoritative English Text of the Bengal, Agra and Assam Civil Courts
(Avadh mein Prasari) Adhiniyam, 1955*]

AN ACT

to provide for extension of certain of the provisions of the Bengal, Agra and Assam Civil Courts Act, 1887, to Oudh

Whereas it is expedient to provide for extension of certain of the provisions of Bengal, Agra and Assam Civil Courts Act, 1887, to the territories to which the Oudh Courts Act, 1925 is applicable ;

It is hereby enacted in the sixth year of the Republic of India as follows :

Prefatory Note.—The Statement of Objects and Reasons runs as follows :—

“Since there used to be two High Courts in the State—one the High Court at Allahabad and the other Chief Court at Lucknow, the State was, so far as judicial administration was concerned, governed by two sets of laws. The Courts of the Agra portion of the State were governed by the Bengal, Agra and Assam Civil Courts Act, 1887, and those of Avadh by the Oudh Courts Act, 1925. At the time, however, when one unified High Court was established for the whole of the State of U. P. the portion of the Oudh Courts Act, 1925, which related to the establishment of the Chief Court was repealed, but the subordinate Civil Courts in Avadh continued to be governed by the Oudh Courts Act. The provisions in the two Acts are very much similar except in few sections which deal with particular matters.

2. The existence of two different laws for these Courts does not appear any longer desirable in view of the unified judiciary establishment in the State. In order, however, to achieve uniformity in this matter it is proposed that the provisions of the Bengal, Agra and Assam Civil Courts Act, should be applicable to the Courts in Avadh and the corresponding provisions of the Oudh Courts Act be repealed.

3. The Bengal, Agra and Assam Civil Courts (Extension to Oudh) Bill, 1955 is therefore being introduced.” Vide U. P. Gazette Extra. dated Aug. 30, 1955.

1. Short title, extent and commencement.—(i) This Act may be called the Bengal, Agra and Assam Civil Courts (Extension to Oudh) Act, 1955.

(ii) It shall come into force at once.

Note.—The Act was passed in Hindi by the Uttar Pradesh Legislative Council on September 19, 1955 and by the Uttar Pradesh Legislative Assembly on November 21, 1955.

Received the assent of the President on January 4, 1956 under Article 201 of the Constitution of India and was published in the *Uttar Pradesh Gazette Extraordinary* dated January 11, 1956.

Published in the *Uttar Pradesh Gazette Extraordinary* dated January 11 1956.

2. Application of Act XII of 1887 to Oudh.—With effect from the date of the commencement of this Act the provisions of—

(a) Sections 3, 4, 6, 8, 9 to 11, 13 to 25, 38 and 39 ; and

(b) Section 40 [with the modification that in sub-section (1) the figures 32 and 37 shall be deleted]

of the Bengal, Agra and Assam Civil Courts Act, 1887, (as amended from time to time in their application to Uttar Pradesh) shall apply to the territories to which the Oudh Courts Act, 1925, is applicable and the corresponding provisions of the Oudh Courts Act, 1925 shall thereupon stand repealed accordingly.

3. Courts, etc. established under U. P. Act IV of 1925.—All Courts established or constituted and appointments, nominations, rules, and orders made, jurisdictions and powers conferred and lists published under the Oudh Courts Act, 1925, shall be deemed to have been respectively established, constituted, made, conferred and published under the provisions of the Bengal, Agra and Assam Civil Courts Act, 1887, as herein applied to Oudh,

4. Pending suit or proceedings.—All suits and proceedings instituted or commenced before the commencement of this Act in any Court constituted or established under the Oudh Courts Act, 1925, shall be continued in the Court, where they were instituted or commenced or to which they may have been transferred notwithstanding the repeal of the provisions of the said Act, as if they had been instituted or commenced in a Court constituted and established under the Bengal, Agra and Assam Civil Courts Act, 1887.

5. Pending appeals and transitory provisions.—Where by reason of the application of the provision of Section 21 of the Bengal, Agra and Assam Civil Courts Act, 1887, to Oudh an appeal shall now lie to the District Judge, and not to the High Court—

(a) any appeal already instituted or commenced in the High Court prior to the commencement of this Act shall, notwithstanding the application of the said provisions, continue to be heard and decided by the High Court ; and

(b) any appeal not so instituted or commenced but in respect of which the period of limitation has begun to run before the commencement of this Act, shall, notwithstanding that it shall now lie to the District Judge, continue to be governed by the period of limitation which would have been available if the appeal had lain to the High Court.

6. All decrees passed and orders made before the commencement of this Act by a Court constituted or established under the Oudh Courts Act, 1925, shall be deemed for purposes of execution to have been passed or made by the corresponding Court constituted and established or deemed to be constituted and established under the Bengal, Agra and Assam Civil Courts Act, 1887, as extended to Oudh.

THE UTTAR PRADESH CINEMAS (REGULATION) ACT, 1955

(U. P. Act No. III of 1956)

CONTENTS

Sections

1. Short title, extent and commencement.
2. Definitions.
3. Cinematograph exhibitions to be licensed.
4. Licensing authority.
5. Restrictions on the powers of licensing authority.
6. Power of the State Government or District Magistrate to suspend exhibition of films in certain cases.

Sections

7. Power to suspend, revoke and cancel a licence.
8. Penalties for contravention of the Act.
9. Offences by Companies.
10. Power to exempt.
11. Direction of action taken under the Act.
12. Repeal, Act II of 1918.
13. Power to make rules.

[Authoritative English Text of the Uttar Pradesh Chal Chitra (Viniyaman)
Adhiniyam, 1955]

AN ACT

to make provisions for regulating exhibitions by means of cinematographs

Whereas it is expedient to make provisions for regulating exhibitions by means of cinematographs in the State of Uttar Pradesh;

It is hereby enacted as follows :

Prefatory Note.—Extract from the Statement of Objects and Reasons.—The Cinematograph Act of 1918, contained provisions relating to both (a) the certification of films as suitable for public exhibition, and (b) the regulation of Cinemas, including their licensing. In the Constitution, however, while the former item has been included in the Union List, the latter finds place in the State List. As a clear demarcation of the respective provisions of the Act with which the Union and State Governments were concerned had become necessary, the Union Government re-enacted the provisions of the old Act as in the Cinematograph Act of 1952 separating the provisions relating to the two items referred to above. Part III of the latter Act deals with the regulation of Cinemas, including their licensing and applies to Part C States directly administered by the Union Government.

2. The object, therefore, is to enact a State law relating only to the regulation of Cinemas including their licensing which is now within the legislative sphere of States. The provisions in the Bill are based largely upon Part III of the Central Act XXXVII of 1952, except for the addition of clause 7 therein relating to revocation, suspension, etc. of a licence in certain circumstances, the addition of clause 9 and certain additions in clause 13 relating to the power to frame rules.

3. When the Bill becomes an Act and comes into force, the Act of 1918 which still applies to this State in regard to the regulation of Cinemas will stand automatically repealed." Vide U. P. Gazette Extra. dated Dec. 15, 1954.

Note.—The Act was passed in Hindi by the Uttar Pradesh Legislative Council on December 23, 1954 and by the Uttar Pradesh Legislative Assembly on December 12, 1955.

Received the assent of the Governor on January 10, 1956 under Article 200 of the Constitution of India and was published in the *U. P. Gazette Extraordinary*, dated January 23, 1956.

Published in the *U. P. Gazette Extraordinary*, dated January 23, 1956.

1. Short title, extent and commencement.—This Act may be called the Uttar Pradesh Cinemas (Regulation) Act, 1955.

(1) It shall extend to the whole of Uttar Pradesh.

(2) It shall come into force on such date as the State Government may, by notification in the official *Gazette*, appoint.

Note.—The Act came into force w. e. f. June 25, 1956 Vide U. P. Govt. Not. No. 1633-A/111-7 (47)/52 dated June 23, 1956, Pub. in U. P. Gaz. Extra. dated June 25,

2. Definitions.—In this Act, unless there is anything repugnant in the subject or context,—

(a) "cinematograph" includes any apparatus for the representation of moving pictures or series of pictures;

(b) "occupier" includes a managing agent or other person authorized to represent the occupier or having charge, management or control of the place on his behalf;

(c) "owner" used with reference to any place includes any person receiving or entitled to receive the rent from the occupier;

(d) "place" includes a house, building, tent or other structure and any description of transport whatsoever;

(e) "prescribed" means prescribed by rules made under this Act ; and

(f) "State Government" means the Government of Uttar Pradesh.

3. Cinematograph exhibitions to be licensed.—Save as otherwise provided in this Act, no person shall give an exhibition by means of a cinematograph elsewhere than in a place licensed under this Act or otherwise than in compliance with conditions and restrictions imposed by such licence.

4. Licensing authority.—The authority having power to grant licence under this Act (hereinafter referred to as the licensing authority) shall be the district magistrate:

Provided that the State Government may, by notification in the official *Gazette*, constitute, for the whole or any part of the State, such other authority as it may specify in the notification to be the licensing authority for the purposes of this Act.

5. Restrictions on the powers of licensing authority.—

(1) The licensing authority shall not grant a licence under this Act, unless it is satisfied that—

- (a) the rules made under this Act have been substantially complied with, and
- (b) adequate precautions have been taken in the place, in respect of which the licence is to be given, to provide for the safety of persons attending exhibitions therein.

(2) Subject to the foregoing provisions of this section and to the control of the State Government and the interests of the general public, the licensing authority may grant licences under this Act on such terms and conditions and subject to such restrictions as it may determine and on payment of such fees as may be prescribed.

(3) Any person aggrieved by the decision of a licensing authority refusing to grant a licence under this Act may, within such time as may be prescribed, appeal to the State Government and the State Government may make such order in the case as it thinks fit.

(4) The State Government may, from time to time, issue directions to licensee generally or to any licensee in particular for the purpose of regulating the exhibition of any film or class of films, so that scientific films, films intended for educational purposes, films dealing with news and current events, documentary films or indigenous films secure an adequate opportunity of being exhibited and where any such directions have been issued, those directions shall be deemed to be additional conditions and restrictions subject to which the licence has been granted.

Note.—The following directions have been issued by the State Govt. under Sub-section (4) of Section 5 Vide Notification No. 1663 (3)-A/111-7 (47)/52 dated June 25, 1956, Pub. in U. P. Gaz. Extra. dated June 25, 1956 :—

In exercise of the powers conferred by Sub-section (4) of Section 5 of the Uttar Pradesh Cinemas (Regulation) Act, 1955 (U. P. Act No. 3 of 1956), and in supersession of condition No. (2) of the form of licence now in force regarding exhibition of "approved films", the State Government do hereby issue to every person holding a licence under the said Act in the State of Uttar Pradesh, the following directions which shall come into force at once :

1. The licensee shall so regulate the exhibition of Cinematograph films that, at every performance open to the public, approved films are exhibited, the approved films to be exhibited in relation to other films at every such performance being in the same proportion as one is to five or the nearest lower or higher approximation thereto.

2. Only such films produced in India as are certified by the Central Government with the previous approval of the Film Advisory Board, Bombay, to be scientific films, films intended for educational purposes, films dealing with news and current events or documentary films shall be deemed to be approved films for the purposes of these directions.

3. Nothing contained in these directions shall be construed as requiring the licensee :

- (a) to exhibit at any performance more than 2,000 feet of approved films of 35 mm. size or the corresponding footage of approved films of 16 mm. size ; or
- (b) to exhibit any approved film for more than two weeks continuously ; or

- (c) to re-exhibit any approved film which has been shown for two continuous weeks ; or
- (d) to exhibit approved films to the full extent indicated hereinbefore in the event of sufficient number or length of approved films not being available for the time being.

4. For the purpose of computing the corresponding footage of films of 16 mm. size in relation to films of 35 mm. size, 400 feet of films of 16 mm. size shall be deemed to be equivalent to 1,000 feet of films of 35 mm. size.

6. Power of the State Government or District Magistrate to suspend exhibition of films in certain cases.—(1) The State Government, in respect of the whole of the State of Uttar Pradesh or any part thereof, and the District Magistrate in respect of the district within his jurisdiction, may, if it or he, as the case may be, is of opinion that any film which is being publicly exhibited, is likely to cause a breach of the peace, by order, suspend the exhibition of the films and thereupon the films shall not during such suspension be exhibited in the State, part or the district concerned, notwithstanding the certificate granted under the Cinematograph Act, 1952.

(2) Where an order under sub-section (1) has been made by a District Magistrate or any other licensing authority not being the State Government, a copy thereof together with a statement of reasons thereof shall forthwith be forwarded by him or it to the State Government which may either confirm or discharge the order.

(3) An order of suspension made under this section shall remain in force for a period of two months from the date thereof, but the State Government may, if it is of opinion that the order should continue in force, direct that the suspension shall be extended by such further period as it thinks fit.

7. Power to suspend, revoke and cancel a licence.—(1) Notwithstanding anything contained in this Act, the State Government or the licensing authority may at any time suspend, cancel or revoke a licence granted under Section 5 on the ground that—

- (a) the licence was obtained through fraud or misrepresentation ; or
- (b) the licensee has been guilty of breach of the provisions of this Act or the rules made thereunder or of any conditions or restrictions contained in the licence, or of any direction issued under sub-section (4) of Section 5 ; or
- (c) on account of any changes occurring in the situation of the place licensed, the continuance of the licence is considered prejudicial to decency or morality ; or
- (d) the licensee has been convicted of an offence under Section 8.

(2) Where the State Government or the licensing authority is of the opinion that a licence granted under Section 5 should be suspended, cancelled or revoked, it shall, as soon as may be, communicate to the licensee the grounds on which the action is proposed to be taken and shall afford him a reasonable opportunity of making a representation against it.

(3) If after considering the representation, the State Government or the licensing authority, as the case may be, is satisfied that the licence should be suspended, cancelled or revoked, it may make an order accordingly and shall communicate it to the licensee stating in writing the grounds therefor.

(4) Where the order suspending, cancelling or revoking a licence under sub-section (3) has been passed by a licensing authority, any person aggr-

eved by the order may, within thirty days of the communication of such order to him, appeal to the State Government which may pass such order as it may think fit.

(5) The order of the State Government shall be final.

8. Penalties for contravention of the Act.—If the owner or person in charge of a cinematograph uses the same or allows it to be used, or if the owner or occupier of any place permits that place to be used in contravention of the provisions of this Act or of the rules made thereunder, and of the conditions and restrictions upon or subject to which any licence has been granted under this Act, he shall be punishable with fine which may extend to one thousand rupees and, in the case of a continuing offence, with a further fine which may extend to five hundred rupees for each day during which the offence continues.

9. Offences by Companies.—(1) If the person committing any offence under this Act is a company, every person who at the time the offence was committed was in charge of, and was responsible to the company for the conduct of the business of the company, as well as the company shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly :

Provided that nothing contained in this sub-section shall render any such person liable to any punishment if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1) where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director or manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purposes of this section—

(a) “company” means any body corporate and includes a firm or other association of individuals; and

(b) “director” in relation to a firm means a partner in the firm.

10. Power to exempt.—The State Government may, in the interests of the general public or any section thereof, by order in writing and stating the reasons therefor, exempt, subject to such conditions and restrictions as it may impose, any cinematograph exhibition or class of exhibitions from any of the provisions of this Act or any rules made thereunder.

11. Direction of action taken under the Act.—(1) No suit, prosecution or other legal proceeding shall lie against any person for any thing which is in good faith done or intended to be done in pursuance of any order made or deemed to be made under this Act or the rules made thereunder.

(2) No suit or legal proceeding shall lie against the State Government for any damage caused or likely to be caused by anything which is in good faith done or intended to be done in pursuance of any order made or deemed to be made under this Act or rules made thereunder.

12. Repeal.—(1) The Cinematograph Act, 1918 in so far as it relates to the matters other than the sanctioning of Cinematograph films

for exhibition, is hereby repealed in its application to the State of Uttar Pradesh.

(2) Any order, made under the Cinematograph Act, 1918 and in force immediately before the commencement of this Act, shall continue in force and be deemed to be an order made under this Act; and all appointments made, licences granted, conditions or restrictions imposed and directions issued under any such order and in force immediately before such commencement, shall likewise continue in force and be deemed to be made, granted, imposed or issued in pursuance of this Act.

13. Power to make rules.—(1) The State Government may, after previous publication make rules for the purpose of carrying the provisions of this Act into effect.

(2) In particular and without prejudice to the generality of the foregoing power, rules made under this Act may provide—

- (a) for the situation and regulation of the places at which and the conditions subject to which cinematograph exhibitions may be displayed;
- (b) for the fees to be levied for grant and renewal of licences for places and cinematograph exhibition;
- (c) for fees for inspection of places, electrical and other appliances and installations;
- (d) for the terms, conditions and restrictions subject to which licences may be granted;
- (e) for inspection of electric appliances and other installations;
- (f) for the period during which and the conditions subject to which an appeal under this Act may be preferred.

THE U. P. HOMOEOPATHIC MEDICINE AMENDMENT ACT, 1955

(U. P. Act No. IV of 1956)

CONTENTS

Sections	Sections
1. Short title and commencement.	VIII of 1952.
2. Amendment of Section 5 of U. P. Act VIII of 1952.	6. Amendment of Section 56 of U. P. Act VIII of 1952.
3. Amendment of Section 6 of U. P. Act VIII of 1952.	7. Amendment of Section 63 of U. P. Act VIII of 1952.
4. Amendment of Section 9 of U. P. Act VIII of 1952.	8. Amendment of Schedule of U. P. Act VIII of 1952.
5. Amendment of Section 41 of U. P. Act	

[Authoritative English Text of the Uttar Pradesh Homoeopathic Medicine
(Sanshodhan) Adhāniyam, 1955]

AN ACT

to amend the U. P. Homoeopathic Medicine Act, 1951, for certain purposes

Whereas it is expedient to amend the U. P. Homoeopathic Medicine Act, 1951, for the purposes hereinafter appearing :

It is hereby enacted in the Sixth Year of the Republic of India as follows :

Prefatory Note.—The Statement of Objects and Reasons runs as follows.—

"The U. P. Homoeopathic Medicine Act, 1951, which was enacted a few years back, provides at present for the registration, etc., of homoeopaths. In view of the importance that this system of medicine has attracted it has been considered necessary that the privilege of registration should be available to those persons only who devoted themselves wholetime in the practice of the profession. The necessity has also been felt to regulate and ensure the preparation, etc. of genuine medicines. The Act does not at present provide for these powers which however are necessary. Opportunity has also been availed to make certain other amendments which have been found necessary as a result of the working of the Act during the last few years. U. P. Homoeopathic Medicine (Amendment) Bill, 1955, is accordingly introduced." Vide U. P. Gaz. Extra. dated Aug. 30, 1955.

1. Short title and commencement.—(1) This may be called the Uttar Pradesh Homoeopathic Medicine (Amendment) Act, 1955.

(2) It shall come into force at once.

Note.—The Act was passed in Hindi by the Uttar Pradesh Legislative Council on September 16, 1955 and by the Uttar Pradesh Legislative Assembly on November 21, 1955.

Received the assent of the President on January 12, 1956 under Article 201 of the Constitution of India and was published in the *Uttar Pradesh Gazette Extraordinary* dated January 23, 1956.

Published in the *Uttar Pradesh Gazette Extraordinary*, dated January 23, 1956.

2. Amendment of Section 5 of U. P. Act VIII of 1952.—For Section 5 of the U. P. Homoeopathic Medicine Act, 1951 (hereinafter called the Principal Act), the following shall be substituted :

"5. (1) There shall be a Chairman of the board who shall be appointed by the State Government from amongst the members of the Board.

(2) There shall also be a Vice-Chairman of the board who shall be elected by the Board from its members."

3. Amendment of Section 6 of U. P. Act VIII of 1952.—In Section 6 of the Principal Act—

(a) for the words "including the member elected as Chairman or Vice-Chairman" the words "including a member appointed as Chairman or elected as Vice-Chairman" shall be substituted; and

(b) for the words "for re-election or re-nomination" the words "re-appointment or re-nomination" shall be substituted.

4. Amendment of Section 9 of U. P. Act VIII of 1952.—In Section 9 of the Principal Act—

(a) in Clause (i) for the words "fresh election" the word "fresh appointment" shall be substituted ; and

(b) in Clause (ii) including the proviso, for the word "elected" wherever occurring the word "appointed" shall be substituted.

5. Amendment of Section 41 of U. P. Act VIII of 1952.—For Clause (g) of Section 41 of the Principal Act the following shall be substituted :

"(g) To regulate by licence or permits the preparation and dispensing of homoeopathic medicines, and to appoint with the previous sanction of the State Government, inspectors who shall be qualified homoeopathic doctors, for the inspection of homoeopathic dispensaries, hospitals and educational institutions in Uttar Pradesh."

6. Amendment of Section 56 of U. P. Act VIII of 1952.—After Clause (g) in Sub-section (2) of Section 56 of the Principal Act the following shall be added as new Clauses (qq) and (qqq):—

“(qq) the form of application for the grant of licence or permit under Clause (g) of Section 41, and the particulars to be filled therein ;

(qqq) the conditions for the grant of licence, the renewal of licence and the fees payable therefor.”

7. Amendment of Section 63 of U. P. Act VIII of 1952.—For Section 63 of the Principal Act, the following shall be substituted—

“63. **Examination before registration.**—Notwithstanding anything contained in any other section of this Act, no person shall on or after the expiry of one year from the date on which Part II or any section thereof comes into force be entered in the register as a registered practitioner unless he has passed a qualifying examination recognized by the board.”

8. Amendment of Schedule of U. P. Act VIII of 1952.—In the Schedule to the Principal Act—

(1) for paragraph 3, the following shall be substituted—

“3. Homoeopaths who have been practising as such whole-time for the last five years at the time of making applications and are certified in the prescribed manner as fit persons for being registered as Homoeopaths ;

Explanation—A person shall not be deemed to be practising Homoeopathy whole-time if he is a salaried servant (otherwise than as a Homoeopath) of the State Government, the Central Government, a local authority or a commercial or industrial undertaking or other establishment.”

(2) Paragraph 4 shall be deleted.

THE INDIAN FOREST (U. P. AMENDMENT) ACT, 1956

(U. P. Act No. VI of 1956)

CONTENTS

Sections	Sections
1. Short title and commencement.	Act XVI of 1927.
2. Insertion of a new Chapter V-A in	3. Repeals.

*Authoritative English Text of the Indian Forest U. P. (Sanshodhan)
Adhiniyam, 1956*

AN ACT

*to amend the Indian Forest Act, 1927, in its application to Uttar Pradesh,
for certain purposes*

Whereas the Indian Forest (U. P. Amendment) Ordinance, 1955 was promulgated by the Governor to amend the Indian Forest Act, 1927, for certain purposes ;

And whereas it is expedient that the said Ordinance be replaced by an Act of the Legislature ;

It is hereby enacted in the Sixth Year of the Republic of India as follows :

Prefatory Note.—The Statement of Objects and Reasons runs as follows.—

“During the period when the U. P. Zamindari Abolition and Land Reforms Act was on the anvil, large areas having forests over them were leased out by the then zamindars for reclamation. Relying on the leases made as aforesaid in their favour, a large section of the people are eager recklessly to clear and fell such forests. Preservation of forests in the interests of the general public, particularly in this State, which has principally an agricultural economy, has been well recognized. The regulation of exploitation of forests in such areas has been found to be necessary. In order that the above tendency should be checked, the Governor has promulgated the Indian Forests’ (U. P. Amendment) Ordinance, 1955. This bill is introduced to replace the Ordinance.” Vide U. P. Gaz. Extra. dated Dec. 3, 1955.

1. Short title and commencement.—(1) This Act may be called the Indian Forest (U. P. Amendment) Act, 1956.

(2) It shall come and be deemed to have come into force on and with effect from the third day of December, 1955.

Note—The Act was passed in Hindi by the Uttar Pradesh Legislative Assembly on December 20, 1955 and by the Uttar Pradesh Legislative Council on December 22, 1955.

Received the assent of the Governor on January 20, 1956 under Article 200 of the Constitution of India and was published in the *Uttar Pradesh Gazette Extraordinary*, dated January 23, 1956.

Published in the *Uttar Pradesh Gazette Extraordinary* dated January 23 1956.

2. Insertion of a new Chapter V-A in Act XVI of 1927.—After Chapter V of the Indian Forest Act, 1927 the following shall be added as a new Chapter V-A :

CHAPTER V-A

Of the Control over Forests of Claimants

33-A. Definition.—In this Chapter unless there is anything repugnant in the subject or context :

(a) “Claimant” as respects any land means a person claiming to be entitled to the land or any interest therein acquired, owned, settled or possessed or purported to have been acquired, owned, settled or possessed whether under, through or by any lease or licence executed prior to the commencement of the U. P. Zamindari Abolition and Land Reforms Act, 1950, or under and in accordance with any provision of any enactment, including the said Act ;

(b) “Forest” includes—

- (i) any land covered by trees and shrubs, and
- (ii) pasture lands.

33-B. Power to regulate or prohibit breaking or clearing, etc.—

(1) The State Government may by notification in the official *Gazette* regulate or prohibit in any forest (situate in or upon any land of a claimant)—

- (a) the breaking up or clearing of the land for cultivation or any other purpose ;
- (b) the firing or clearing of the vegetation ;
- (c) the girdling or tapping or burning of any tree or the stripping off of the bark from any tree ;
- (d) the lopping and pollarding of trees ;
- (e) the cutting, sawing, conversion or the removal of trees—where such regulation or prohibition appears necessary—
- (i) for the conservation of trees and forests ; or

- (ii) for the improvement of grazing ; or
- (iii) for the maintenance, increase and distribution of supply of fodder, timber or fuel ; or
- (iv) for the protection of land against erosion ; or
- (v) for subserving the interests of the general public.

(2) No notification shall be made under sub-section (1) until after the issue of a notice to the claimant of the land calling on him to show cause within a reasonable period, not less than fourteen days and not exceeding thirty days, to be specified in such notice, why such notification should not be made, and until objections, if any, and any evidence he may produce in support of the same, have been heard by an officer not below the rank of an Assistant Collector of the first class appointed in that behalf and considered by the State Government.

(3) It shall be lawful for the State Government to make the notification under sub-section (1) either in respect of any particular forest or generally in respect of all forests situate in an area.

38-C. Prohibition or regulation in emergent cases.—Where it is proposed to issue a notification in respect of any forest or generally all the forests in any area under Section 38-B and the State Government is satisfied that immediate action is necessary to prevent the doing of all or any of the acts mentioned in clauses (a) to (e) of sub-section (1) of the said section, it may by notification in the official *Gazette* prohibit the doing except as and in the manner specified, of such act in respect of that forest or, as the case may be, generally all forests situate in any area as may be specified and, thereupon, no person shall, notwithstanding any claim, right, agreement, custom, usage or law to the contrary, do any of the said acts in such forest until expiry of six months from the date of the notification, and until the objection, if any, filed in pursuance of the notice under sub-section (2) of Section 38-B, has been heard and considered by the State Government.

38-D. Service of notice.—The notice under sub-section (2) of Section, 38-B shall:—

- (a) in the case of a notification affecting an individual person (not being a corporation, firm or body of persons) be served on that person—
 - (i) personally by delivering or tendering to him the notice, or
 - (ii) by registered post, or
 - (iii) where the person cannot be found, by leaving an authentic copy of the notice with some adult male member of his family or by affixing such copy in some conspicuous part of the premises in which he is known to have last resided or carried on business or personally worked for gain, and
- (b) in the case of notification of a general nature in relation to all forests in an area, be served by publication in the official *Gazette* and it shall not be necessary, unless the State Government so directs, to serve the notice individually on the claimants.

38-E. Application of Section 36 of Act XVI of 1927 —The provisions of Section 36 shall *mutatis mutandis* apply to any regulation or prohibition notified under Section 38-B or 38-C.

38-F. Penalties.—Any person who—

- (i) fells, girdles, lops, taps, pollards or burns any tree or strips off the bark or otherwise damages any tree, or breaks up or clears for cultivation or any other purpose, any land in the forest to which the notification under Section 38-B or 38-C relates, or
- (ii) sets fire to such forest, or kindles a fire without taking all reasonable precautions to prevent its spreading, or
- (iii) permits cattle to damage any such tree,

shall be punished with imprisonment for a term which may extend to six months or with fine or with both.

38-G. Saving.—The powers conferred by Sections 38-B, 38-C, and 38-D shall be in addition to and not in derogation of any other powers conferred on any authority by or under any other provision of this Act.

3. Repeals.—The Indian Forests (U. P. Amendment) Ordinance, 1955 is hereby repealed and the provisions of Sections 6 and 24 of the U. P. General Clauses Act, 1904 shall apply as if it had been an enactment repealed by an U. P. Act.

THE UTTAR PRADESH CONTROL OF SUPPLIES (CONTINUANCE OF POWERS) (SECOND AMEND- MENT) ACT, 1955

(U. P. ACT No. VI OF 1956)

CONTENTS

Sections	Sections
1. Short title and commencement.	1953. U. P.
2. Continuance of U.P. Act No. XXII of	Act No. VIII of 1955.

[Authoritative English Text of the Uttar Pradesh Control of Supplies (Continuance of Powers) (Dwitiya Sanshodhan) Adhiniyam, 1955]

AN ACT

to provide for the continuance of the U. P. Control of Supplies (Temporary Powers) Act, 1947

Whereas the U. P. Control of Supplies (Temporary Powers) Act, 1947 as re-enacted by the U. P. Control of Supplies (Temporary Powers) Act, 1953 and continued by the Uttar Pradesh Control of Supplies (Continuance of Powers) (Amendment) Act, 1955 will expire on 25th day of January, 1956;

And whereas it is expedient to provide for the continuance of the said Act;

It is hereby enacted in the Sixth Year of the Republic of India as follows :

Prefatory Note.—The Statement of Objects and Reasons runs as follows :—

“The U. P. Control of Supplies (Temporary Powers) Act, 1947 (U. P. Act No. 11 of 1947), as re-enacted by the Uttar Pradesh Control of Supplies (Temporary Powers) Act 1953 (U. P. Act No. XXII of 1953), and continued by the Uttar Pradesh Control of Supplies (Continuance of Powers) (Amendment) Act, 1955 (U. P. Act No. VIII of 1955) to provide for necessary powers for the control of (i) “bricks” other than fire bricks and (ii) “Forest Produce” including firewood, charcoal, bamboo, baib-grass and resin will expire on January 25, 1956.

The demand for bricks is increasing in connexion with numerous development programmes of the State and also on account of the increase in building activity in the private sector. It is, therefore, necessary to regulate supply of bricks at reasonable prices.

To meet the essential needs of civil population in the larger towns for firewood and in view of the need for conservation of forests in the wider public interest, it is also necessary to regulate wherever necessary the movement and distribution of firewood in the State.

Thus with the object of ensuring maximum facilities in respect of these commodities to the largest section of consumers within the supplies available it is necessary to continue the existing control on them for a further period of two years.

The Uttar Pradesh Control of Supplies (Continuance of Powers) (Second Amendment) Bill, 1955 is accordingly introduced." Vide U. P. Gaz. Extra dated Nov. 17, 1955.

1. Short title and commencement.—(1) This Act may be called the Uttar Pradesh Control of Supplies (Continuance of Powers) (Second Amendment) Act, 1955.

(2) It shall come into force at once.

Note.—The Act was passed in Hindi by the Uttar Pradesh Legislative Council on November 28, 1955 and by the Uttar Pradesh Legislative Assembly on January 10, 1956.

Received the assent of the President on January 23, 1956 under Article 201 of the Constitution of India and was published in the *Uttar Pradesh Gazette Extraordinary* dated January 25, 1956.

Published in the *Uttar Pradesh Gazette Extraordinary*, dated January 25, 1956.

2. Continuance of U.P. Act No. XXII of 1953. U.P. Act No. VIII of 1955.—In Section 2 of the Uttar Pradesh Control of Supplies (Temporary Powers) Act, 1953 as amended by the Uttar Pradesh Control of Supplies (Continuance of Powers) (Amendment) Act, 1955, for the figure "1956" the figure "1958" shall be substituted.

THE U. P. INDIAN MEDICINE (AMENDMENT) ACT, 1956

(U. P. Act No. VII of 1956)

CONTENTS

Sections

1. Short title and commencement.
2. Amendment of Preamble of U. P. Act X of 1939.
3. Substitution of certain expression in U. P. Act X of 1939.
4. Amendment of Section 2 of U. P. Act X of 1939.
5. Amendment of Section 5 of U. P. Act X of 1939.
6. Amendment of Section 10 of U. P. Act X of 1939.
7. Amendment of Section 12 of U. P. Act X of 1939.
8. Amendment of Section 14 of U. P. Act X of 1939.
9. Amendment of Section 15 of U. P. Act X of 1939.
10. Amendment of Section 18 of U. P. Act X of 1939.
11. Amendment of Section 21 of U. P. Act X of 1939.
12. Amendment of Section 22 of U. P. Act X of 1939.
13. Amendment of Section 25 of U. P. Act X of 1939.
14. Amendment of Section 27 of U. P. Act X of 1939.

Sections

15. Amendment of Section 28 of U. P. Act X of 1939.
16. Amendment of Section 30 of U. P. Act X of 1939.
17. Amendment of Section 33 of U. P. Act X of 1939.
18. Amendment of Section 35 of U. P. Act X of 1939.
19. Amendment of Section 36 of U. P. Act X of 1939.
20. Inclusion of new Sections 36-A, 36-B and 36-C in U. P. Act X of 1939.
21. Amendment of Section 37 of U. P. Act X of 1939.
22. Amendment of Section 38 of U. P. Act X of 1939.
23. Amendment of Section 53 of U. P. Act X of 1939.
24. Amendment of Section 54 of U. P. Act X of 1939.
25. Amendment of Section 55 of U. P. Act X of 1939.
26. Amendment of the Schedule of U. P. Act X of 1939.
27. Temporary and transitional provisions.

Authoritative English Text of the Uttar Pradesh Indian Medicine (Sanshodhan) Adhiniyam, 1956

AN ACT

to amend the U. P. Indian Medicine Act, 1939 for certain purposes

Whereas it is expedient to amend the U. P. Indian Medicine Act, 1939, for the purposes hereinafter appearing ;

It is hereby enacted in the Sixth year of the Republic of India as follows :

Prefatory Note. The Statement of Objects and Reasons as attached to the bill runs as follows :—

"The U. P. Indian Medicine Act was enacted in 1939. In 1947 the State Government appointed the Ayurvedic and Unani Systems Re-organization Committee to make its recommendations with regard to the Ayurvedic and Unani systems of medicine. The working of the Act during the past few years as also some of the recommendations made by the said committee has shown the necessity of making certain amendments in the Act particularly in regard to the constitution of the Board of Indian Medicine. With a view to organize the two systems of medicine, the necessity of a faculty with powers to prescribe courses of study and to hold examination, etc., has also been felt. This Bill is accordingly introduced." Vide U. P. Gaz. Extra. dated Nov. 17, 1955.

1. Short title and commencement.—(1) This Act may be called the U. P. Indian Medicine (Amendment) Act, 1956.

(2) It shall come into force at once.

Note.—The Act was passed in Hindi by the Uttar Pradesh Legislative Assembly on December 16, 1955 and by the Uttar Pradesh Legislative Council on December 21, 1955.

Received the assent of the President on February 11, 1956 under Article 261 of the Constitution of India and was published in the *U. P. Gazette Extraordinary*, dated February 13, 1956.

Published in the *U. P. Gazette Extraordinary*, dated February 13, 1956.

2. Amendment of Preamble of U. P. Act X of 1939.—In the preamble of the U. P. Indian Medicine Act, 1939 (hereinafter referred to as the Principal Act)—

(a) for comma after the word "Medicine" the word "and" shall be substituted ; and

(b) the words "and to control the sale of medicinal herbs and drugs" shall be deleted.

3. Substitution of certain expression in U. P. Act X of 1939.—In the Principal Act—

(a) for the expression "Indian medicine" or "Indian systems of medicine" wherever these occur in the long title, in the preamble or in any section, other than sections 1 and 4, the expression "Ayurvedic and Unani Tibbi systems of medicine" shall be substituted ;

(b) for the word "Government" the words "State Government" shall be substituted ;

(c) for the word "Chairman" wherever occurring the word "President" shall be substituted ;

(d) the words "Surgeon", "Surgeons", "Midwife" or "Midwives" wherever occurring shall be deleted.

4. Amendment of Section 2 of U. P. Act X of 1939.—In Section 2 of the Principal Act—

- (a) after clause (iii) the following shall be added as new clauses (iii-a) and (iii-b) ;
- (iii-a) "State Government" means the Government of Uttar Pradesh ;
- (iii-b) "Faculty" means "Faculty of Ayurvedic and Unani Tibbi systems of medicine" constituted under Section 36-A ;
- (b) at the end of clause (x) the words "and Surgery" shall be added ;
- (c) at the end of clause (xi) the words "and Surgery" shall be added ;
- (d) clauses (xii) and (xiii) shall be deleted.

5. Amendment of Section 5 of U. P. Act X of 1939.—For the existing Section 5 of the Principal Act the following shall be substituted :

"5. Constitution of the Board.—(1) The Board shall consist of the following members (including the President)—

- (i) a President to be nominated by the State Government ;
- (ii) five members to be nominated by the State Government ;
- (iii) one member each from a University established by Law in Uttar Pradesh and having a Faculty concerned with the Ayurvedic or Unani Tibbi-system of medicine in the manner prescribed by the Faculty ;
- (iv) two members representing Ayurvedic Educational Institutions of Uttar Pradesh to be elected, in the prescribed manner by the teachers of such Institutions as are affiliated to the Board ;
- (v) one member, representing Unani Educational Institutions of Uttar Pradesh to be elected, in the prescribed manner, by the teachers of such institutions as are affiliated to the Board ; and
- (vi) nine members (6 Vaidis and 3 Hakims) to be elected, in the prescribed manner, by the registered Vaidis and Hakims, respectively of Uttar Pradesh :

Provided that the President and every member to be elected or nominated, as the case may be, under clauses (ii), (iv) and (v) shall be from amongst the registered practitioners.

(2) The Board shall elect one of its members to be the Vice-President."

6. Amendment of Section 10 of U. P. Act X of 1939.—For sub-section (2) of Section 10 of the Principal Act the following shall be substituted :

"(2) Notwithstanding anything contained in sub-section (1) the President or any member nominated under sub-section (1) of Section 5 shall after such notice as may be prescribed, be removable by the State Government alone".

7. Amendment of Section 12 of U. P. Act X of 1939.—For the existing Section 12 of the Principal Act the following shall be substituted :

"12. Resignation of a member or President.—(1) Any elected member may at any time resign his office by a letter addressed to the President. Such resignation after due verification shall take effect from the date on which it is accepted by the Board.

(2) A President or a member nominated under sub-section (1) of Section 5 wishing to resign may tender his resignation to the State Government under intimation to the Board. Such resignation when accepted shall be published in the official *Gazette* and shall take effect from the date notified therein."

8. Amendment of Section 14 of U. P. Act X of 1939.—In Section 14 of the Principal Act the second proviso shall be deleted.

9. Amendment of Section 15 of U. P. Act X of 1939.—In Section 15 of the Principal Act the proviso shall be deleted.

10. Amendment of Section 18 of U. P. Act X of 1939.—For Section 18 of the Principal Act the following shall be substituted :

"18. **Quorum for a meeting of the Board.**—The quorum of the Board shall be 8 members but subject thereto the Board may act notwithstanding any vacancy in their number :

Provided that at an adjournment meeting all business postponed at the original meeting for want of quorum may be transacted if not less than five members are present."

11. Amendment of Section 21 of U. P. Act X of 1939.—Section 21 of the Principal Act shall be deleted.

12. Amendment of Section 22 of U. P. Act X of 1939.—In sub-section (1) of Section 22 of the Principal Act the words "not exceeding the allowances payable to the members of the State Legislature" shall be deleted.

13. Amendment of Section 25 of U. P. Act X of 1939.—In Section 25 of the Principal Act for the word "Board" the word "Registrar" and for comma after the word "Vaidyas" the word "and" shall be substituted.

14. Amendment of Section 27 of U. P. Act X of 1939.—For existing Section 27 the following shall be substituted :

"27. **Persons entitled to be registered.**—(1) Every person possessing the qualifications mentioned in the Schedule shall, subject to the provisions contained in or made under this Act and upon payment of such fees, whether in a lump sum or periodically, as may be prescribed, be entitled on an application made to the Registrar, to have his name entered in the Register. When the name of a person has been registered in accordance with the provision aforesaid he shall be granted a certificate in the prescribed form.

(2) Any person aggrieved by the order of the Registrar refusing to enter his name in the Register or to make any entry therein may, within ninety days of such refusal, appeal to the Board.

(3) The appeal shall be heard and decided by the Board in the prescribed manner,

(4) The Board may, on its own motion or on the application of any person cancel or alter any entry in the Register or order any entry in the Register if in the opinion of the Board such an entry was fraudulently or incorrectly made or obtained, or an application was wrongly refused."

15. Amendment of Section 28 of U. P. Act X of 1939.—In clause (a) of Section 28 of the Principal Act for the words "medicine,

surgery or midwifery or" the words 'Ayurvedic or Unani Tibbi system of medicine, or" shall be substituted.

16. Amendment of Section 30 of U. P. Act X of 1939.—In Section 30 of the Principal Act for the word "Board" the word "Registrar" and for comma after the word "Vaidyas" the word "or" shall be substituted.

17. Amendment of Section 33 of U. P. Act X of 1939.—In Section 33 of the Principal Act for the words "with fine which may extend to two hundred rupees" the words "with imprisonment which may extend to six months or with fine which may extend to two hundred rupees or with both" shall be substituted.

18. Amendment of Section 35 of U. P. Act X of 1939.—In subsection (2) of Section 35 of the Principal Act, the proviso shall be deleted.

19. Amendment of Section 36 of U. P. Act X of 1939.—For Section 36 of the Principal Act the following shall be substituted :

"36. Powers and duties of the Board.—The Board shall have the following powers and duties, namely—

(1) to advise the State Government in matters relating to Ayurvedic and Unani Tibbi systems of medicine including research and post-graduate education ;

(2) to accord, suspend or withdraw recognition or affiliation to Ayurvedic or Unani educational institutions on the recommendations of the Faculty ;

(3) to publish the results of examinations conducted by the Faculty ;

(4) to grant degrees or diplomas to candidates who are successful at the Board's examination ;

(5) to levy fees laid down in regulations for admission to Board's examinations ;

(6) to allot adequate funds to the Faculty for carrying out its duties ;

(7) to perform such other functions for the development of Ayurvedic and Unani Education as may be consistent with the provisions of the Act ;

(8) to exercise such other powers as may be specified by or under this Act ; and

(9) to grant scholarship and medals to deserving students of institutions affiliated to the Board and with the sanction of State Government, to grant to students domiciled in this State scholarship, for research or special study in any Medical Institution that the Board may think fit, whether in India or abroad, and to endow chairs of Ayurvedic and Unani Tibbi Systems of Medicine and Surgery in institutions affiliated to the Board."

20. Inclusion of new Sections 36-A, 36-B and 36-C in U. P. Act X of 1939.—After Section 36 of the Principal Act the following shall be added as new Sections 36-A, 36-B and 36-C.

"36-A. Faculty of Ayurvedic and Unani Tibbi Systems of Medicine.—(1) For the proper discharge of its duties and functions as a teaching and examining body in the Ayurvedic and Unani Tibbi Systems of Medicine the Board shall appoint a Faculty of Ayurvedic and Unani Tibbi Systems of Medicine which shall consist of the following :

(i) The President of the Board who shall be *ex officio* Chairman of the Faculty ;

- (ii) members of the Board elected under clauses (iii), (iv) and (v) of sub-section (1) of Section 5 who shall be *ex officio* members of the Faculty ;
 - (iii) one member to be elected by the members of the Board from amongst themselves ; and
 - (iv) the Deputy Director of Medical and Health Services, Ayurved, Uttar Pradesh.
- (2) The Faculty may, with the previous approval of or at the requisition of the State Government, co-opt not more than two members for a specified duration and a specific purpose.
- (3) The Faculty shall elect a Vice-Chairman from amongst its members.
- (4) A person shall cease to be member of the Faculty upon his ceasing to be a member of the Board."

"36-B. Powers and duties of the Faculty.—The Faculty shall have the following powers and duties—

- (a) to prescribe courses of study in Ayurvedic and Unani Tibbi Systems of Medicine for imparting instructions in educational institutions affiliated to the Board ;
- (b) to hold examinations of persons who shall have pursued a course of study in an educational institution affiliated to the Board ;
- (c) to exercise general supervision over the residential and disciplinary arrangements made by the educational institutions affiliated to the Board and to make arrangement for promoting the health and general welfare of their students ;
- (d) to appoint examiners ;
- (e) to cause inspections of affiliated institutions of the Board ;
- (f) to make recommendations to the Board for the affiliation or recognition or for suspension or withdrawal of recognition or affiliation of Ayurvedic and Unani institutions ; and
- (g) Registrar shall function as the Secretary of the Faculty."

"36-C. Disagreement between the Faculty and the Board.—In the event of disagreement between the Faculty and the Board on any matter relating to Ayurvedic and Unani Education a reference shall be made by the Board to the State Government and the decision of the State Government shall be final."

21. Amendment of Section 37 of U. P. Act X of 1939.—In Section 37 of the Principal Act—

(1) between the words "may" and "frame" the words "after previous publication" shall be inserted ;

(2) For the full stop at the end of the proviso to sub-section (1) a colon shall be substituted ; and thereafter the following shall be added as a second proviso :

"Provided further that no regulation shall be framed under any of the clauses (a) to (g) except upon the recommendations to be made in such manner as may be prescribed by the Faculty".

(3) In sub-section (3) after the word "*Gazette*" the words "and shall not take effect until they have been confirmed by the State Government" be added ; and

(4) In sub-section (4) for the word "cancel" the words "cancel or modify" shall be substituted.

22. Amendment of Section 38 of U. P. Act X of 1939.—In Section 38 of the Principal Act the words "and licensing of firms for sale of Indian drugs" shall be deleted.

23. Amendment of Section 53 of U. P. Act X of 1939.—Section 53 of the Principal Act shall be deleted.

24. Amendment of Section 54 of U. P. Act X of 1939.—Section 54 of the Principal Act shall be deleted.

25. Amendment of Section 55 of U. P. Act X of 1939.—In Section 55 of the Principal Act—

(1) In sub-section (1) for the words "to practice" the words "in or otherwise entitled to practice" shall be substituted ; and

(2) In sub-section (2) for the words "with fine which may extend to five hundred rupees" the words "with imprisonment not exceeding six months or with fine which may extend to five hundred rupees or with both" and for the words "with fine which may extend to two hundred rupees" the words "with imprisonment not exceeding three months or with fine which may extend to two hundred rupees or with both" shall be substituted.

26. Amendment of the Schedule of U. P. Act X of 1939.—In the Schedule appended to the Principal Act—

(a) for para (2) the following shall be substituted :

"(2) Vaidas and Hakims who hold a degree or diploma granted by the Board."

(b) Para (4) shall be deleted.

27. Temporary and transitional provisions.—(i) Until the Board has been duly constituted under Section 5 of the Principal Act as amended by this Act, the Board functioning immediately before the commencement of this Act shall exercise the powers and perform the duties conferred by the Principal Act on the Board and such Board shall, notwithstanding that its term may otherwise have expired under the provisions of the Principal Act, continue to function until a new Board as aforesaid has been constituted.

(ii) The State Government may, for the purpose of removing any difficulties, particularly in relation to the transition from the provisions of the Principal Act to the provisions of the said Act as amended by this Act, by order direct that the Principal Act amended as aforesaid, shall have effect during a period up to six months, as may be specified in the order subject to such modifications, additions or omissions, as the State Government may deem to be necessary or expedient.

THE U. P. STATE LEGISLATURE OFFICERS, MINISTERS, DEPUTY MINISTERS, PARLIAMENTARY SECRETARIES AND MEMBERS SALARIES AND ALLOWANCES AND MISCELLANEOUS PROVISIONS) ACT, 1956

(U. P. Act No. VIII of 1956)

CONTENTS

Sections

1. Short title and commencement.
2. Definition.
3. Salaries and allowances of Parliamentary Secretaries.
4. Travelling allowance.
5. Medical treatment to Ministers, State Legislature Officers, Deputy Ministers, Parliamentary Secretaries and Members.
6. Amendment of U. P. Act XII of 1952.

Sections

7. Validation of amendment made in the U. P. Legislative Chambers (Members' Emoluments) Rules, 1946.
8. Amendment of U. P. Act XI of 1952.
9. Amendment of Section 3 of U. P. Act X of 1952.
10. Regularization of certain payments.
11. Notification regarding appointment, etc., to be conclusive evidence.
12. Power to make rules.

Authoritative English text of the Uttar Pradesh Rajya Vidhan Mandal ke Adhikariyon aur Sadasyon, Mantriyon, Upmantriyon aur Sabha Sachivon (ke Vetan Tatha Bhatton aur Prakeerna Upbandhon) ka Adhiniyam, 1956

AN ACT

to provide for the salaries and allowances to be paid to the Parliamentary Secretaries and for certain matters relating to Ministers, Legislature Officers, Deputy Ministers and Members

Whereas it is expedient to provide for the salaries and allowances to be paid to the Parliamentary Secretaries and for certain matters relating to Ministers, Legislature Officers, Deputy Ministers and Members as herein-after appearing ;

It is hereby enacted in the Seventh Year of the Republic of India as follows :

Prefatory Note.—The Statement of Objects and Reasons runs as below :—

“The Parliamentary Secretaries to Government have so far been paid salaries and allowances under administrative orders. Government has been advised that, as in the case of Ministers and Deputy Ministers, these should be determined by an Act of the State Legislature. The bill accordingly makes provision for this matter.

2. It has been considered that in keeping with the dignity of the high offices of the Presiding Officers of the State Legislature, the status of the Deputy Speaker and the Deputy Chairman should be the same as that of the Deputy Ministers and that they should be given the same salary and allowances as Deputy Ministers. Necessary provision has been made in the Bill.

3. The rates of travelling allowance allowed to members of the State Legislature have also been revised in view of the re-classification of various classes on the Railways.

4. This opportunity has also been utilized to remove certain difficulties experienced in regard to medical facilities available to Ministers, Deputy Ministers and State Legislature Officers and house accommodation difficulty to Deputy Ministers. Article 164 (5) and 186 of the Constitution respectively provides that salaries and allowances of Ministers and the State Legislature Officers shall be such as the State Legislature may by law determine. Accordingly it has been considered expedient that provision for medical facilities to the Ministers, Deputy Ministers, and State Legislature Officers should be included in the law in that behalf passed by the Legislature. This has accordingly been provided in the Bill.

5. Doubts having been expressed on the validity of the amendments made in the rules relating to payment of travelling allowance to members of the Legislature in Legislative

Department Notification No. 3524/XVII, dated February 9, 1950, on the ground that they could not be made except by an Act of the Legislature, it has been considered necessary to settle them by enacting clause 6 of the Bill.

This Bill is being introduced with the above objects in view." Vide U. P. Gaz. Extra. dated Dec. 5, 1955.

1. Short title and commencement.—(1) This Act may be called the U. P. State Legislature Officers, Ministers, Deputy Ministers, Parliamentary Secretaries and Members (Salaries and Allowances and Miscellaneous Provisions) Act, 1956.

(2) It shall come into force at once.

Note.—The Act was passed in Hindi by the Uttar Pradesh Legislative Assembly on January 18, 1956, and by the Uttar Pradesh Legislative Council on January 25, 1956.

Received the Assent of the Governor on February 22, 1956 under Article 200 of the Constitution of India and was published in the U. P. Gazette Extraordinary, dated February 24, 1956.

Published in the U. P. Gazette Extraordinary, dated February 24, 1956.

2. Definition.—In this Act unless there is anything repugnant in the subject or context "State Legislature Officer" means the Speaker, the Chairman, the Deputy Speaker and the Deputy Chairman.

3. Salaries and allowances of Parliamentary Secretaries.—(1) There shall be paid to each Parliamentary Secretary a salary of Rs. 600 per mensem.

(2) Each Parliamentary Secretary shall be entitled without payment of rent to the use throughout the term of office of a residence at Lucknow furnished on a scale to be provided by rules made by the State Government, and for so long as a residence as aforesaid has not been provided to a compensatory allowance of rupees one hundred per mensem.

4. Travelling allowance.—(1) Each Parliamentary Secretary shall be paid conveyance allowance of Rs. 100 per mensem.

(2) Subject to such conditions and restrictions as may be prescribed by rules framed under this Act, each Parliamentary Secretary shall be entitled for journeys in connexion with public business to—

(a) travelling allowance for every journey by air, rail or road at the rates admissible to Gazetted Officers of class I serving under the State Government ; and

(b) daily allowance at the rate of rupees ten in the plains and rupees fifteen in the hills.

5. Medical treatment to Ministers, State Legislature Officers, Deputy Ministers, Parliamentary Secretaries and Members.—Subject to such conditions and restrictions as may be prescribed by rules made by the State Government, a Minister, Speaker, Chairman, Deputy Chairman, Deputy Speaker, Deputy Minister and Parliamentary Secretary and the members of their families and each Member of the State Legislature shall be entitled to medical treatment at public expense and also to accommodation free of charge in the hospitals maintained by the State Government as admissible to class I officers serving in connection with the affairs of the State of Uttar Pradesh.

6. Amendment of U. P. Act XII of 1952.—In the U. P. Legislative Chambers (Members' Emoluments) Act, 1952—

(1) in Section 2 for the words "one and one half times" the words "two times" shall be substituted ; and

(2) after Section 2 the following shall be inserted as new Sections 2-A and 2-B :

"2-A. Travelling allowance for intermediate journeys.—Where a member of the Uttar Pradesh Legislature absents himself for less than ten days during the Session of a House of Legislature or a sitting of a Committee thereof for visiting any place within the State of U. P. he shall be entitled to receive travelling allowances in respect of such journey to such place and for the return journey equal to two first class fares for each such journey irrespective of the mode of travel or the class in which the member actually travels :

Provided that for the parts of journey between places not connected by rail, he shall be entitled to mileage at the rates admissible to Gazetted Officers of Class I :

Provided further that such travelling allowance shall not exceed the total amount of daily allowance which would have been admissible to such member under Section 2 (2) for the days of absence if he had not so remained absent.

"2-B. Free furnished accommodation for the use of members.—Subject to any rules made by the State Government, each Member shall further be entitled without payment of rent to the use throughout the term of his office of accommodation at Lucknow in the building declared in that behalf by the State Government."

7. Validation of amendment made in the U. P. Legislative Chambers (Members' Emoluments) Rules, 1946.—(1) Section 5 of the U. P. Legislative Chambers (Members' Emoluments) Act, 1938, empowered the State Government to make rules regarding travelling and daily allowance payable to members of the U. P. State Legislature. Accordingly the State Government amended the U. P. Legislative Chambers (Members' Emoluments) Rules, 1946 in Legislative Department notification No. 3524/XVII, dated February 9, 1950 ; but for the avoidance of doubts as to the existence of the said power of the State Government after the commencement of the Constitution it is hereby declared that the amendments made in the notification aforesaid shall be deemed to be and to have been good and valid in law as if they had been enacted by law made under Article 195 of the Constitution.

(2) After clause (b) of sub-section (2) of Section 5 of the U. P. Legislative Chambers (Members' Emoluments) Act, 1952 the following shall be inserted as new clause (c) :

"(c) The matters which are to be and may be provided by rules."

8. Amendment of U. P. Act XI of 1952.—In the U. P. State Legislature (Officers' Salaries and Allowances) Act, 1952 —

(1) in Section 3 for the words "rupees six hundred" the words "rupees seven hundred and fifty" shall be substituted ;

(2) after Section 4, the following shall be added as Section 4-A :

"4-A. Free furnished residence for the Deputy Speaker and the Deputy Chairman.—The Deputy Speaker and the Deputy Chairman shall each be entitled without payment of rent to the use throughout the term of office of a residence at Lucknow furnished on a scale to be prescribed by rules made by the State Government and for so long as a residence as aforesaid has not been provided, to a compensatory allowance of rupees one hundred per mensem."

and

(3) after Section 5, the following shall be added as a new Section 5-A :

“5-A. Conveyance Allowance for Deputy Speaker and Deputy Chairman.—The Deputy Speaker and Deputy Chairman shall each be paid a conveyance allowance of rupees one hundred and fifty per mensem.”

9. Amendment of Section 3 of U. P. Act X of 1952.—For sub-section (2) of Section 3 of the U. P. Ministers and Deputy Ministers (Salaries and Allowances) Act, 1952, the following shall be substituted :

“(2) Each Deputy Minister shall be entitled without payment of rent to the use throughout the term of office of a residence at Lucknow, furnished on a scale to be prescribed by rules made by the State Government, and for so long as a residence as aforesaid has not been provided, to a compensatory allowance of rupees one hundred per mensem.”

10. Regularization of certain payments.—All charges incurred or paid before the commencement of this Act in respect of the accommodation provided in any hospital maintained by the State Government for or on the medical treatment of any Minister, Speaker, Chairman, Deputy Minister, Deputy Speaker, Deputy Chairman and Parliamentary Secretary or any member of his family as well as all payments made before such commencement by way of travelling allowance and daily allowance in accordance with the notification referred to in Section 6 to any member shall be deemed to have been properly incurred, paid or made.

11. Notification regarding appointment, etc. to be conclusive evidence.—The date on which any person became or ceased to be a Minister or Deputy Minister or Parliamentary Secretary shall be published in the official *Gazette* and any such notification shall be conclusive evidence of the fact that he became, or ceased to be a Minister, Deputy Minister or Parliamentary Secretary on that date for all purposes of this Act.

12. Power to make rules.—The State Government may make rules for the purpose of carrying into effect the provisions of this Act.

THE U. P. APPROPRIATION (SECOND SUPPLEMENTARY 1955-56) ACT, 1956

(U. P. Act No. JX OF 1956)

CONTENTS

Sections

1. Short title.
2. Issue of Rs. 11,30,91,400 out of the Consolidated Fund of Uttar Pradesh

Sections

- for the year 1955-56.
3. Appropriation.

[*Authoritative English text of 1956 ka Uttar Pradesh Viniyog (1955-56 ka Duitiya Poorak) Adhiniyam*]

AN ACT

to authorize payment and appropriation of certain sums from and out of the Consolidated Fund of the State to the service of the year ending thirty-first day of March, 1956

Whereas it is expedient to authorize payment and appropriation of certain sums from and out of the Consolidated Fund of the State to the service of the year ending on the thirty-first day of March, 1956 ;

It is hereby enacted in the seventh year of the Republic of India as follows :

Note.—For Statement of Objects and Reasons, please see *U. P. Gazette Extraordinary*, dated March 10, 1956.

Passed in Hindi by the Uttar Pradesh Legislative Assembly on February 25, 1956 and by the Uttar Pradesh Legislative Council on February 23, 1956.

Received the assent of the Governor on March 5, 1956, under Article 200 of the Constitution of India and was published in the *Uttar Pradesh Gazette Extraordinary*, dated March 6, 1956.

Published in the *Uttar Pradesh Gazette Extraordinary*, dated March 6, 1956.

1. Short title.—This Act may be called the Uttar Pradesh Appropriation (Second Supplementary, 1955-56) Act, 1956.

2. Issue of Rs. 11,30,91,400 out of the Consolidated Fund of Uttar Pradesh for the year 1955-56.—From and out of the Consolidated Fund of Uttar Pradesh there may be paid and applied sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of Rs. 11,30,91,400 (Rupees eleven crores, thirty lakhs, ninety-one thousand and four hundred only) towards defraying the several charges which will come in course of payment during the year ending on the thirty-first day of March, 1956 in respect of the services and purposes specified in column 2 of the Schedule.

3. Appropriation.—The sums authorized to be paid and applied from and out of the Consolidated Fund of Uttar Pradesh by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the year ending on the thirty-first day of March, 1956.

UTTAR PRADESH APPROPRIATION ACT, 1956

(U. P. ACT No. X OF 1956)

CONTENTS

Sections

1. Short title.
2. Issue of Rs. 1,84,23,31,500 out of the Consolidated Fund of Uttar Pradesh for

Sections

- the year 1956-57.
3. Appropriation.

[*Authoritative English Text of 1956 ka Uttar Pradesh Vinayog Adhiniyam (Appropriation Act)*]

AN ACT

to authorize payment and appropriation of certain sums from and out of the Consolidated Fund of the State to the service of the year ending thirty-first day of March, 1957

Whereas it is expedient to authorize payment and appropriation of certain sums from and out of the Consolidated Fund of the State to the service of the year ending on the thirty-first day of March, 1957 ;

It is hereby enacted in the seventh year of the Republic of India as follows :

Note.—For Statement of Objects and Reasons, please see *U. P. Gazette Extraordinary*, dated April 18, 1956.

Passed in Hindi by the Uttar Pradesh Legislative Assembly on March 23, 1956, and by the Uttar Pradesh Legislative Council on March 24, 1956.

Received the assent of the Governor on March 26, 1956, under Article 200 of the

Constitution of India and was published in the *Uttar Pradesh Gazette Extraordinary*, dated March 29, 1956.

Published in the *Uttar Pradesh Gazette Extraordinary*, dated March 29, 1956.

1. Short title.—This Act may be called the Uttar Pradesh Appropriation Act, 1956.

2. Issue of Rs. 1, 84, 23, 33, 500 out of the Consolidated Fund of Uttar Pradesh for the year 1956-57.—From and out of the Consolidated Fund of Uttar Pradesh there may be paid and applied sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of Rs. 1,84,23,33,500 (Rupees one hundred and eighty-four crores, twenty-three lakhs, thirty-three thousand and five hundred only) towards defraying the several charges which will come in course of payment during the year ending on the thirty-first day of March, 1957 in respect of the services and purposes specified in column 2 of the Schedule.

3. Appropriation.—The sums authorized to be paid and applied from and out of the Consolidated Fund of Uttar Pradesh by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the year ending on the thirty-first day of March, 1957.

THE JAUNSAAR-BAWAR ZAMINDARI ABOLITION AND LAND REFORMS ACT, 1956

(U. P. Act No. XI of 1956)

CONTENTS

<i>Sections</i>	<i>Sections</i>
<p style="text-align: center;">CHAPTER I <i>Preliminary</i></p> <p>1. Short title, extent and commencement.</p> <p>2. Definitions.</p> <p style="text-align: center;">CHAPTER II <i>Settlement</i></p> <p>3. Notification as to settlement.</p> <p>4. Appointment and powers of Settlement Officers.</p> <p>5. Inspection and preparation of records.</p> <p>6. Register showing particulars of zamindars.</p> <p>7. Determination of land revenue of each zamindar.</p> <p>8. Publication of proposals regarding assessment of land revenue.</p> <p>9. Declaration of land revenue payable by individual zamindars.</p> <p>10. Commutation of rent.</p> <p>11. First Appeal.</p> <p>12. Second Appeal.</p> <p>13. Application of the provision of Sections 214—217 and 220 of U. P. Act IV of 1901.</p> <p>14. Revision.</p> <p style="text-align: center;">CHAPTER III <i>Acquisition of Interests of Intermediaries and its Consequences</i></p> <p>15. Acquisition of rights, title and interests of intermediaries.</p>	<p>16. Consequences of acquisition of right, title and interest under Section 15.</p> <p>17. Collector to take over land and interests vested in the State.</p> <p>18. Intermediary entitled to receive compensation.</p> <p>19. Presumption regarding entries in the records prepared under U. P. Act VI of 1953.</p> <p>20. Compensation assessment.</p> <p>21. Compensation to the intermediary.</p> <p>22. Preliminary publication statement.</p> <p>23. Filing objections.</p> <p>24. Disposal of objections.</p> <p>25. Appeal to the Collector.</p> <p>26. Final publication of the statement.</p> <p>27. Payment of compensation.</p> <p>28. Interest on compensation.</p> <p style="text-align: center;">CHAPTER IV <i>Land Management</i></p> <p>29. Superintendence, management and control of land.</p> <p>30. Application of Sections 118 to 128 of U. P. Act I of 1951.</p> <p style="text-align: center;">CHAPTER V <i>Land Tenure and Land Revenue</i></p> <p>31. Classes of tenures.</p> <p>32. Bhumidhar.</p> <p>33. Sirdar.</p> <p>34. Asami.</p>

35. Devolution.
36. Application of the provisions of Chapters VIII and X of U. P. Act I of 1951.
37. Application of the U. P. Land Revenue Act, 1901, to the Pargana.

CHAPTER VI

Miscellaneous

38. Appointment of Compensation Offi-

cers.

39. Powers and duties.
40. Application of provisions of certain sections of Chapter XII of U. P. Act I of 1951 to the Pargana.
41. Orders made under Sections 36, 37 or 40 to be laid before the State Legislature.
42. Repeals.
43. Power to make rules.

[*Authoritative English text of the Jaunsar-Bawar Zamindari Vinash Aur Bhoomi Vyavastha Adhiniyam, 1956*]

AN ACT

to provide for the acquisition of rights, title and interest of the intermediaries between the State and tiller of the soil in Pargana Jaunsar-Bawar of Dehra Dun District and for the introduction of land reforms therein

Whereas it is expedient to provide for the acquisition of rights, title and interest of the intermediaries between the State and tiller of the soil in Pargana Jaunsar-Bawar of Dehra Dun District and for the introduction of land reforms therein ;

It is hereby enacted as follows in the seventh year of the Republic of India.

Prefatory Note.—The Statement of Objects and Reasons runs as follows :—

1. "The Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950, provides for the application by Government of the provisions of that Act to Pargana Jaunsar-Bawar, subject to such exceptions or modifications not affecting the substance as may be necessary. The conditions obtaining in this Pargana are peculiar and it is not possible to apply the Uttar Pradesh Zamindari Abolition and Land Reforms Act to it without making substantial changes in it. Government have, therefore, decided to introduce this Bill.

2. The salient features of the Bill are :

- (1) Distribution of land revenue at present assessed on each *khat* or *khag* among its zamindars.
- (2) Acquisition of the rights of zamindars in land held by tenants with certain exceptions.
- (3) Introduction in Pargana Jaunsar-Bawar of land tenures similar to those introduced in the rest of the State under the provisions of the Uttar Pradesh Zamindari Abolition and Land Reforms Act." Vide U. P. Gazette Extra. dated Sept. 28 1955.

CHAPTER I

Preliminary

1. **Short title, extent and commencement.**—(1) This Act may be called the Jaunsar-Bawar Zamindari Abolition and Land Reforms Act, 1956.

(2) It shall extend to the whole of Pargana Jaunsar Bawar of Dehra Dun District.

(3) This chapter shall come into force at once. The remaining chapters shall come into force on such date or dates as the State Government may, by notification in the official *Gazette*, appoint in this behalf and different dates may be appointed for different chapters of this Act.

Note.—The act was passed in Hindi by the Uttar Pradesh Legislative Assembly on January 11, 1956, and by the Uttar Pradesh Legislative Council on January 18, 1956.

Received the assent of the President on March 24, 1956, under Article 201 of the Constitution of India and was published in the *Uttar Pradesh Gazette Extraordinary*, dated April 5, 1956.

Published in the *Uttar Pradesh Gazette Extraordinary*, dated April 5, 1956.

2. Definitions.—In this Act unless there is anything repugnant in the subject or context :

- (a) "Collector" means the Collector of Dehra Dun District and also includes an Assistant Collector of the First Class specially empowered by the State Government by notification in the official *Gazette*, to discharge all or any of the functions of the Collector under this Act ;
 - (b) "Commissioner" means the Commissioner of the Meerut Division and also includes an Additional Commissioner, Meerut Division ;
 - (c) "current settlement" means the settlement of land revenue in force in the Pargana on the date immediately preceding the date of commencement of Chapter I of this Act ;
 - (d) "Tenant" means a person by whom rent is, or but for a contract express or implied would be, payable ;
- Explanation*—A person holding land on service tenure is a person by whom rent is payable for the land so held by him.
- (e) "intermediary" as respect any land means the zamindar of the land where the land is in the cultivation of a tenant but does not include zamindar of any land referred to in Section 34 ;
 - (f) "*khag*" means a sub-division of a *khat* ;
 - (g) "*khat*" means a group of villages, treated at the current settlement as a single unit for assessment of land revenue and recorded as such in the settlement records ;
 - (h) "law" includes any Ordinance, Order, Bye-Law, Rule, Regulation, Notification, Custom or Usage having the force of law in the Pargana, on the date immediately preceding the date of commencement of Chapter I of this Act ;
 - (i) "Pargana" means the Pargana of Jaunsar-Bawar in the district of Dehra Dun ;
 - (j) "prescribed" means prescribed by rules made under this Act ;
 - (k) "State Government" means the Government of Uttar Pradesh ;
 - (l) words and expressions "Compensation Officer", "land", "lease", "legal representative", "proprietor", "village" and "*Gaon Sabha*", not herein defined but used in the U. P. Zamindari Abolition and Land Reforms Act, 1950, shall have the same meaning assigned to them in that Act ;
 - (m) words and expressions "grove", "holding", "rent" and "sayer" not herein defined but used in the U. P. Tenancy Act, 1939, shall have the meaning assigned to them in that Act ; and
 - (n) words and expressions "revenue", "Board" and "Tahsildar" not herein defined but used in the U. P. Land Revenue Act, 1901, shall have the meaning assigned to them in that Act ; and
 - (o) "zamindar" means, as respects any land, the proprietor of the land or of a share therein,

CHAPTER II

Settlement

3. Notification as to settlement.—The State Government may, at any time after the commencement of this chapter, declare, by notification in the official *Gazette* that the Pargana or any local area therein, as may be specified, is brought under settlement operations and thereupon the same shall be held to be under settlement and continue to be so until the issue of a second notification by the State Government declaring the settlement to be closed.

4. Appointment and powers of Settlement Officers.—The State Government may for purposes of this Act appoint an officer, hereinafter called the Settlement Officer, to be incharge of the settlement of the Pargana or, as the case may be, of any local area therein and as many Assistant Settlement Officers as may be considered necessary.

5. Inspection and preparation of records.—(1) Where any area is declared to be brought under settlement under this Act, the Settlement Officer or if the Settlement Officer so directs, the Assistant Settlement Officer shall inspect every village in such area and prepare a record in respect of each *khat*, showing—

- (a) the area of each holding ;
- (b) the name of the zamindar of the holding ;
- (c) the name of the cultivator of the holding ;
- (d) whether the land included in the holding falls under any of the classes specified in Section 34 ;
- (e) class of soil of each of the plots comprised in each holding ; and
- (f) such other particulars as may be prescribed.

(2) In preparing the records referred to in sub-section (1) the officer shall proceed on the basis of the records prepared under the provisions of the Jaunsar-Bawar Security of Tenure and Land Records Act, 1952, and carry out therein such modifications or corrections as may be necessary for bringing it up-to-date.

6. Register showing particulars of zamindars.—After the record mentioned in Section 5 has been prepared, the Settlement Officer shall prepare a register giving the following particulars of each zamindar—

- (1) name ;
- (2) the total area of holdings belonging to the zamindar ;
- (3) the area of holdings in the possession of tenant ; and
- (4) such other particulars as may be prescribed.

7. Determination of land revenue of each zamindar.—The Settlement Officer shall, in the prescribed manner, apportion the land revenue assessed on each *khat* among zamindars of the *khat* having regard to the area owned by them and the quality thereof.

8. Publication of proposals regarding assessment of land revenue.—After the land revenue has been apportioned under Section 7, the Settlement Officer shall publish the proposals in the prescribed manner and after considering the objections that may be made, shall submit the proposals together with the objections, if any, and such orders as he may have passed

thereon to the Commissioner, who shall approve or modify them, and also fix the date from which the proposals should be given effect to.

9. Declaration of land revenue payable by individual zamindars.—The Settlement Officer shall declare, in the prescribed manner, the amount of revenue payable by each zamindar, as approved or modified under Section 8, and, notwithstanding anything in any other law, such amount shall be payable by each zamindar to the State Government.

10. Commutation of rent.—(1) Where no rent is paid in respect of any holding but is payable therefor or where rent is paid in kind or on the basis of an estimate or appraisal of the standing crop, or, on the basis of rates varying with the crop sown or partly in one of such ways and partly in another or other of such ways, or where in lieu of rent some sort of service is rendered, the Settlement Officer shall, in the manner prescribed, determine the cash value of the rent payable or the service rendered by the tenant concerned :

Provided that rent so determined shall not exceed three times the land revenue assessable on the holding according to the incidence of land revenue in the *khat* in which the holding is situate.

(2) The Settlement Officer shall, in the prescribed manner, inform the zamindars as well as the tenants of the holdings concerned of the rent determined under sub-section (1).

(3) The rent determined under sub-section (1) shall be payable with effect from the date fixed by the Commissioner under Section 8 for the enforcement of the proposals as to the land revenue payable by each zamindar.

11. First Appeal.—(1) An appeal shall lie under this chapter—

(a) to the Settlement Officer from an order passed by an Assistant Settlement Officer ; and

(b) to the Commissioner from order passed by a Settlement Officer.

(2) For the purposes of this chapter, the word “order” includes a declaration under Section 9 in respect of the land revenue payable by a zamindar.

12. Second Appeal.—A second appeal shall lie to the Board from the orders passed by the Settlement Officer or the Commissioner in the following cases only—

(a) when the original order in appeal has been varied, cancelled or reversed ; and

(b) on any of the following grounds, namely,—

(i) the decision being contrary to some specified law,

(ii) the decision having failed to determine some material issue of law ; and

(iii) a substantial error or defect in the procedure as prescribed by this Act, which may have produced error or defect in the decision of the case upon the merits.

13. Application of the provision of Sections 214—217 and 220 of U. P. Act IV of 1901.—The provisions of Sections 214, 215, 216, 217 and 220 of the U. P. Land Revenue Act, 1901, shall *mutatis mutandis* apply to an appeal under this chapter as they apply to an appeal under the said Act.

14. Revision.—The Board may call for the record of any case in which no appeal lies to the Board if the Officer by whom the case was decided appears to have exercised jurisdiction not vested in him by law or to have failed to exercise the jurisdiction so vested or to have acted in the exercise of his jurisdiction illegally or with substantial irregularity, and may pass such orders in the case as it thinks fit.

CHAPTER III

Acquisition of Interests of Intermediaries and its Consequences

15. Acquisition of rights, title and interests of intermediaries.—

(1) As soon as may be after the issue of the second notification referred to in Section 3 in respect of an area, the State Government may, by notification published in the official *Gazette*, declare that as from a date to be specified therein, the rights, title and interest of all the intermediaries in the land in such area to be specified shall as from the beginning of the date to be specified (hereinafter called the appointed date), cease and vest, except as hereinafter provided, in the State free from all encumbrances.

(2) It shall be lawful for the State Government, if it so considers necessary, to issue, from time to time the notification referred to in sub-section (1) in respect only of such *khat* or *khats* as may be specified and all the provisions of sub-section (1) shall be applicable to and in the case of every such notification.

16. Consequences of acquisition of right, title and interest under Section 15.—Where a notification under Section 15 has been published in the official *Gazette*, then, notwithstanding anything contained in any contract or document or in any other law for the time being in force and save as otherwise provided in this Act, the consequences as hereinafter set forth shall, from the beginning of the appointed date ensue with respect to the land to which the notification relates (hereinafter called the notified land), namely,—

- (a) all rights, title and interest of the intermediary in the notified land shall cease and be vested in the State of Uttar Pradesh free from all encumbrances ;
- (b) all notified land held on the date immediately preceding the appointed date by any person as tenant shall be deemed to be settled by the State Government with such person who shall, subject to the provisions of this Act, be entitled to take or retain possession as a *sirdar* thereof ;
- (c) (i) all rents payable by the tenant in respect of the notified land for any period after the appointed date which, but for acquisition of rights, title and interest of the intermediary therein would be payable to the intermediary, shall vest in and be payable to the State Government and not to the intermediary, and any payment made in contravention of this clause shall not be valid discharge of the person liable to pay the same ;
- (ii) where under an agreement or contract made before the appointed date any rent for any period after the said date has been paid to or compounded or released by the intermediary the same shall, notwithstanding the agreement or the contract, be recoverable by the State Government from the intermediary and may, without prejudice to any other mode of recovery, be

realized by deducting the amount from the compensation money payable to such intermediary under Section 21 ;

- (d) all arrears of revenue due from the intermediary for any period prior to the appointed date shall continue to be recoverable from such intermediary and may without prejudice to any other mode of recovery, be realized by deducting the amount from the compensation payable to such intermediary under Section 21 ;
 - (e) the rights, title, and interest of the intermediary, so acquired shall not be liable to attachment or sale in execution of any decree or other process of any court, civil or revenue, and any attachment existing at the appointed date or any order for attachment passed before such date shall, subject to the provisions of Section 73 of the Transfer of Property Act, 1882, cease to be in force ;
 - (f) no claim or liability enforceable or incurred before the appointed date by or against the intermediary for any money which is charged on or is secured by a mortgage of the notified land shall, except as provided in Section 73 of the Transfer of Property Act, 1882, be enforceable against such land or the tenant ;
 - (g) nothing contained in this chapter shall in any way affect the right of any person—
 - (i) to continue to work any mines comprised in any notified land which shall be governed by law for the time being in force; and
 - (ii) to recover any arrears of rent, or other dues which accrued before the appointed date and the same shall, notwithstanding anything contained in this Act, be recoverable as heretofore by the person entitled thereto;
- Provided that no decree for any arrear of rent or order for ejectment in default or an arrear of rent shall be executed by ejectment of the judgment-debtor from his ho'ding; and
- (h) all suits and proceedings of the nature to be prescribed pending in any court at the appointed date and all proceedings upon any decree or order passed in any such suit or proceeding previous to the appointed date shall be stayed.

17. Collector to take over land and interests vested in the State.—Upon the publication of the notification under Section 15, it shall be lawful for the Collector or any Officer appointed by him in this behalf—

- (a) to take charge of any notified land and of all interests vested in the State under the provisions of this chapter, and to take or cause to be taken such steps and use or cause to be used such force as may, in the opinion of the Collector or the officer so appointed, be necessary for this purpose;
- (b) to enter upon any land, acquired under the provisions of this chapter and make a survey or take measurement thereof or do any other act which he considers necessary for carrying out the purposes of this Act;
- (c) to require any person to produce to such authority as may be specified any books, accounts, or other documents relating to

any such land or part thereof and to furnish to such authority such other information as may be specified or demanded; and

- (d) if the books, accounts and other documents are not produced as required, to enter upon any land, and seize and take possession of such books, accounts and other documents.

18. Intermediary entitled to receive compensation.—Every intermediary whose rights, title or interest are acquired under Section 15 shall be entitled to receive and be paid compensation as hereinafter provided.

19. Presumption regarding entries in the records prepared under U. P. Act VI of 1953.—The records prepared in accordance with the provisions of the Jaunsar-Bawar Security of Tenant and Land Records Act, 1952, as modified under sub-section (2) of Section 5 shall for purposes of assessment and payment of compensation be deemed to describe correctly the rights, title and interest of every intermediary and tenant of the village to which such records relate.

20. Compensation assessment.—(1) For purposes of assessment and payment of compensation for acquisition of rights, title and interest of the intermediary the Compensation Officer shall prepare a compensation statement showing—

- (a) the name or names of the intermediary;
 - (b) rental income of the intermediary from the notified land; and
 - (c) such other particulars as may be prescribed.
- (2) The rental income shall consist of the rent payable by the tenant—
- (a) in cash; or
 - (b) where the rent is not payable in cash the cash value of rent payable as commuted and determined under Section 10.

21. Compensation to the intermediary.—The amount payable as compensation to the intermediary under Section 18 shall be an amount equal to sixteen times the rental income referred to in Section 20.

22. Preliminary publication statement.—The Compensation Statement prepared under Section 19 shall be published in the manner prescribed and a copy thereof shall also be sent to the intermediary concerned.

23. Filing objections.—Any person interested or the State Government may in the manner prescribed file before the Compensation Officer an objection upon such statement within the period of one month from the date of its publication.

24. Disposal of objections.—(1) Except as provided in sub-section (2), the Compensation Officer shall after hearing the parties, if necessary, on the objections filed under Section 23, dispose of the objections in the manner prescribed.

- (2) Where the objection filed under sub-section (1)—

- (a) is that the land is not notified land the Compensation Officer shall frame an issue to that effect and refer it for disposal to the Assistant Collector incharge of the sub-division;
- (b) involves a question of title and such question has not already been determined by a competent Court, the Compensation Officer shall refer the question for determination to the District Judge.

Explanation.—Whether a person is or is not a tenant shall not be deemed to raise a question of title within the meaning of this clause.

(3) The District Judge shall determine the question referred to him under clause (b) of sub-section (2) in the manner prescribed and his decision therein shall be final.

25. Appeal to the Collector.—Notwithstanding anything contained in any law, any person aggrieved by the order of the Compensation Officer deciding the objection under Section 24 in so far as it relates to the amount of compensation may appeal to the Collector who shall decide the appeal in the manner prescribed and the decision of the Collector shall be final.

26. Final publication of the statement.—(1) Where no objection has been filed in regard to the compensation statement published in pursuance of Section 22 or where such objection is filed and has been finally disposed of, the statement shall, where necessary, be amended, altered or modified. The Compensation Officer shall sign the statement and affix his seal thereto.

(2) The statement so signed and sealed shall become final.

(3) A copy of the final statement shall be supplied free of charge to the intermediary concerned.

27. Payment of compensation.—(1) Except as provided in sub-section (3) the compensation mentioned in the final compensation statement referred to in Section 26 shall be paid in cash in one lump sum or in annual instalments not exceeding ten as may be prescribed.

(2) The compensation shall be paid to the intermediary whose name is entered in the final compensation statement and where the intermediary dies before it is paid to him it shall be paid to his legal representatives.

(3) The provisions of Sections 69 and 70 of the U. P. Zamindari Abolition and Land Reforms Act, 1950, shall *mutatis mutandis* apply to the payment of compensation under this Act.

28. Interest on compensation.—The compensation mentioned in the final compensation statement referred to in Section 26 shall be due as from the appointed date and “there” shall be paid by the State Government on such compensation interest at the rate of 2 1/2 per centum per annum from the appointed date to the date of—

(i) in the case of the amount to be paid in cash in one lump sum, final publication of the compensation statement under Section 25; and

(ii) in the case of the amount to be paid in annual instalments, payment of the first instalment and thereafter on such amount as may remain outstanding from time to time till the date of payment of last instalment.

CHAPTER IV

Land Management

29. Superintendence, management and control of land.—Subject to the provisions of this Act, a *Gaon Sabha* may, by notification in the official *Gazette*, be charged, as from the specified date, for and on behalf of the State Government, with the general superintendence, management, preservation and control of such lands and things (including forests and uncultivated land not belonging to any zamindar) as may be prescribed.

30. Application of Sections 118 to 128 of U. P. Act I of 1951.—Where a *Gaon Sabha* has been charged with general superintendence, management, preservation and control of lands and things in any area under Section 29, the provisions of sub-section (2) of Section 118, and Sections 119 to 128 of the U. P. Zamindari Abolition and Land Reforms Act, 1950, and of the Rules connected therewith framed under Section 128 shall apply to the Pargana but the State Government may by notification in the official *Gazette* make such adaptation, modification, alteration or exception, not affecting the substance, as may in its opinion appear necessary and any such adaptation, modification, alteration or exception shall not be questioned in any court of law.

CHAPTER V

Land Tenure and Land Revenue

31. Classes of tenures.—There shall be, for purposes of this Act, the following classes of tenure-holders, namely,—

- (a) *bhumidhar* ;
- (b) *sirdar* ; and
- (c) *asami*.

32. Bhumidhar.—(1) With effect from the date this chapter comes into force, every zamindar of land not being notified land, shall, notwithstanding anything in any law, be called and be deemed to be a *bhumidhar* of the land.

(2) Every person who is deemed to be a *bhumidhar* under sub-section (1) and every person who acquires the rights of a *bhumidhar* under and in accordance with the provisions of this Act shall have all the rights and be subject to all the liabilities conferred or imposed upon a *bhumidhar* by or under this Act.

33. Sirdar.—Every person who—

- (a) as a consequence of the acquisition of the rights, title and interests of the intermediary becomes a *sirdar* under Section 16 ;
- (b) is admitted as *sirdar* of vacant land under and in accordance with the provisions of this Act ; and
- (c) in any other manner acquires the right of a *sirdar* under and in accordance with the provisions of this Act ;

shall have all the rights and be subject to all the liabilities conferred or imposed upon a *sirdar* by or under this Act.

34. Asami.—(1) With effect from the date this chapter comes into force every tenant of land belonging to any of the following classes shall, notwithstanding anything in any law, be called and be deemed to be an *asami* of the land—

- (a) grove land ;
- (b) pasture land or land covered by water and used for purposes of growing any produce or land in the bed of a river and used for casual or occasional cultivation ;
- (c) land declared by the State Government by notification in the official *Gazette* to be part of tract of shifting or unstable

- (i) the procedure to be followed in placing the amount of compensation at the disposal of the Court or authority under sub-section (3) of Section 27 ; and
 - (j) the matters which are to be and may be prescribed.
- (3) The power to make rules given by this Act shall be deemed to include the powers to provide for—
- (i) imposing limits of time within which things to be done for the purposes of rules must be done, with or without powers to any authority therein specified to extend limits imposed ;
 - (ii) the procedure to be followed in applications suits or other proceedings under this Act, in cases for which no specific provision has been made herein ;
 - (iii) the duties of any officer or authority having jurisdiction under this Act and the procedure to be followed by such officer or authority ;
 - (iv) the time within which applications and appeals may be presented under this Act, in cases for which no specific provision in that behalf has been made therein ;
 - (v) the fees to be paid in respect of appeals and applications under this Act, in cases for which no specific provision in that behalf has been made herein ;
 - (vi) the application of the provisions of Indian Limitation Act, 1908, to applications, appeals and proceedings under this Act ;
 - (vii) the delegation of powers conferred by this Act on the State Government or any other authority, officer or person ; and
 - (viii) the transfer of proceedings from one authority or officer to another.
- (4) Every power to make rules given by this Act is subject to the condition of the rules being made after previous publication.
- (5) All rules made under this Act shall be published in the *Gazette* and shall, unless some later date is appointed, come into force on the date of such publication.
- (6) All rules made under this Act shall be laid for not less than fourteen days before the State Legislature as soon as they are made, and shall be subject to such modifications as the Legislature may make during the session in which they are so laid.

THE U. P. MOLASSES CONTROL (AMENDMENT) ACT, 1956

(U. P. Act No. XII of 1956)

CONTENTS

Sections

1. Short title and commencement.
2. Amendment of Section 2 of U. P. Act XXIII of 1947.
3. Amendment of Section 3 of U. P. Act XXIII of 1947.
4. Insertion of a new Section 3-A in the U.P. Act XXIII of 1947.

Sections

5. Amendment of Section 5 of U. P. Act XXIII of 1947.
6. Deletion of Sections 6 to 8 of U. P. Act XXIII of 1947.
7. Amendment of Section 9 of U. P. Act XXIII of 1947.
8. Amendment of Section 12 of U. P. Act

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| XXIII of 1947. | 11. Insertion of a new Section 15-A in U.P. Act XXIII of 1947. |
| 9. Insertion of a new Section 13-A in U.P. Act XXIII of 1947. | 12. Amendment of Section 16 of U. P. Act XXIII of 1947. |
| 10. Amendment of Section 15 of U. P. Act XXIII of 1947. | 13. Validation of Acts and proceedings. |

Authoritative English Text of the Uttar Pradesh Molasses Control (Sanshodhan) Adhiniyam, 1956

AN ACT

to amend the U.P. Molasses Control Act, 1947, for certain purposes

Whereas it is expedient to amend the U. P. Molasses Control Act, 1947, for the purposes hereinafter appearing;

It is hereby enacted in the seventh year of the Republic of India as under—

Prefatory Note.—The Statement of Objects and Reasons runs as below :—

“The U. P. Molasses Control Act, 1947, was enacted to control the production, price and distribution of molasses. The experience of working of this Act during the last 8 years has revealed certain difficulties, particularly in the matter of ensuring a regular supply of molasses to the distilleries in the State at economical rates. Certain constitutional difficulties also arose in the working of this Act. It is, therefore, considered necessary to amend the Act. The proposed Bill is with this object in view.” Vide U. P. Gaz. Extra. dated Sept. 14, 1955.

1. Short title and commencement.—(1) This Act may be called the Uttar Pradesh Molasses Control (Amendment) Act, 1956.

(2) It shall come into force at once.

Note.—The Act was passed in Hindi by the Uttar Pradesh Legislative Assembly on January 9, 1956, and by the Uttar Pradesh Legislative Council on January 19, 1956.

Received the assent of the President on May 2, 1956, under Article 201 of the Constitution of India and was published in the *Uttar Pradesh Gazette Extraordinary* dated May 8, 1956.

Published in the *Uttar Pradesh Gazette Extraordinary* dated May 8, 1956.

Note.—The amendments made by this Act have been incorporated in the principle Act printed on Pages 1703—1708, Vol. III.

2. Amendment of Section 2 of U. P. Act XXIII of 1947.—In Section 2 of the U. P. Molasses Control Act, 1947 (hereinafter called the Principal Act), for clause (c) the following shall be substituted :

“(c) ‘Molasses’ means the heavy, dark coloured viscous liquid produced in the final stage of manufacture of sugar by vacuum pan, from sugar-cane or *gur* when the liquid as such or in any form or admixture contains sugar.”

3. Amendment of Section 3 of U. P. Act XXIII of 1947.—For Section 3 of the Principal Act the following shall be substituted :

“3. **Molasses Board.**—(1) There shall be established by the Government a Molasses Board for Uttar Pradesh.

(2) The Molasses Board shall be a body corporate having perpetual succession and a common seal and shall by the said name sue and be sued.

(3) The Molasses Board shall consist of—

(a) the Controller who shall be *ex officio* chairman;

(b) ten members to be appointed by the Government of whom three shall be representatives of sugar factories and three of distilleries;

(c) the Assistant Excise Commissioner (Molasses) who shall be *ex officio* Secretary of the Board.

(4) The term of office of the members referred to in clause (b) shall be two years :

Provided that the term of office of a member nominated to fill a casual vacancy shall be the remainder of his predecessor's term of office :

Provided further that the Government may for any reason which may appear to it to be sufficient remove any such member at any time."

4. Insertion of a new Section 3-A in the U. P. Act XXIII of 1947.—After Section 3 of the Principal Act the following shall be added as a new Section 3-A:

"3-A. Functions of the Board.—The Molasses Board shall—

- (a) advise on matters concerning the grading and marketing of molasses, the prices at which molasses are to be sold and generally on their allocation for distilleries and other purposes; and
- (b) perform such other functions as may be prescribed."

5. Amendment of Section 5 of U. P. Act XXIII of 1947.—For Section 5 of the Principal Act the following shall be substituted :

"5. Powers to control supply and distribution, etc. of molasses.—(1) If the Government is of the opinion that it is necessary or expedient so to do for maintaining supplies of molasses for distillation and other purposes or for securing their equitable distribution and availability at fair prices, it may, by order, provide for supply and distribution thereof and trade and commerce therein.

(2) Without prejudice to the generality of the powers conferred by subsection (1), an order made thereunder may provide—

- (a) for controlling the price at which and the manner in which molasses may be bought or sold for any purpose and different price may be provided for different purposes;
- (b) for regulating by licences, permits or otherwise the storage, supply, transport, distribution, disposal, acquisition, use or consumption of molasses;
- (c) for requiring any person or owner or occupier of a sugar factory to sell their molasses, held in stock or produced or to be produced in the factory to the State Government to the exclusion, complete or partial, of others or to such persons or class of persons and in such circumstances and upon such terms as may be specified in the order ;
- (d) for the taking of samples and grading and testing of molasses ;
- (e) for regulating or prohibiting any class of commercial or financial transactions relating to molasses, which in the opinion of the authority making the order, are, or, if unregulated, are likely to be, detrimental to the public interest ;
- f) for collecting any information or statistics with a view to regulating or prohibiting any of the aforesaid matters ;
- (g) for requiring occupiers of sugar factories and persons engaged in the production, supply or distribution of, or trade and commerce in, molasses, to maintain and produce for inspection such books, accounts and records relating to their business and

to furnish such information relating thereto as may be specified in the order ; and

(h) for any incidental and supplementary matters, including in particular the grant or issue of licences, permits or other documents their terms and conditions and the charging of fees therefor.

(3) Where molasses have, in pursuance of an order under clause (c) of sub-section (2) of Section 5, been sold to the State Government, the State Government shall pay therefor the price which shall be—

$$\frac{42}{23} \times$$

(In this formula x is the price per maund, of sugarcane fixed by the Government in annas. The result obtained will be the price of molasses per maund in pies).

(4) An order made under this section shall—

(a) in the case of an order of a general nature or affecting a class of persons, be notified in the official *Gazette*, and

(b) in the case of an order directed to a specified individual, be served on such individual—

(i) by post under postal certificate or by delivering or tendering it to that individual, or

(ii) if it cannot be so delivered or tendered by affixing it on the outer door or some other conspicuous part of the premises in which that individual lives, and a written report thereof shall be prepared and witnessed by two persons living in the neighbourhood.

(5) Any order made under this section shall have effect notwithstanding anything inconsistent therewith contained in any enactment other than this Act or any instrument having effect by virtue of any enactment other than this Act”.

6. Deletion of Sections 6 to 8 of U. P. Act XXIII of 1947.—Sections 6 to 8 of the Principal Act shall be deleted.

7. Amendment of Section 9 of U. P. Act XXIII of 1947.—In Section 9 of the Principal Act between the words “with fine” and “and”, the words “or both” shall be inserted.

8. Amendment of Section 12 of U. P. Act XXIII of 1947.—In Section 12 of the Principal Act—

(1) in sub-section (1)—

(a) in clause (b) between the word and comma “box” and word “receptacle”, the word and comma “pit” shall be inserted, and the full-stop at the end shall be deleted and after the word “molasses” at the end, the words “and any books, accounts, documents or statements relating to transactions in such molasses” shall be added ;

(b) after clause (b) the following shall be added as a new clause (c) :

“(c) detain, search and arrest any person whom he has reason to believe to be guilty of any offence punishable under this Act ;”

(2) After sub-section (2) the following shall be added as new sub-sections (3) and (4) :

“(3) A police officer not below the rank of an officer in charge of a police station or an officer of the Excise Department or Revenue Department not below such rank as the State Government may prescribe may investigate into any offence punishable under this Act committed within the limits of the area in which such officer exercises jurisdiction.

(4) Any such officer may exercise the same powers in respect of such investigation as an officer in charge of a police station may exercise in a cognizable case under the provisions of Chapter XIV of the Code of Criminal Procedure, 1898.”

9. Insertion of a new Section 13-A in U. P. Act XXIII of 1947.—After Section 13 of the Principal Act the following shall be inserted as a new Section 13-A :

“13-A. **Power of the Controller to compound offences.**—The Controller may accept from any person who is reasonably suspected of having committed an offence punishable under Section 9, a sum of money not exceeding five thousand rupees by way of composition for the offence which may have been committed, and in all cases whatsoever in which any property has been seized as liable to confiscation under this Act may release the same on payment of the value thereof as estimated by him.

On the payment of such sum of money or such value, or both, as the case may be, to the Controller, the accused person, if in custody, shall be discharged, the property seized shall be released and no further proceedings shall be taken against such person or property.”

10. Amendment of Section 15 of U. P. Act XXIII of 1947.—In Section 15 of the Principal Act between the words “person” and “from” the words “or class of persons” shall be inserted.

11. Insertion of a new Section 15-A in U. P. Act XXIII of 1947.—After Section 15 of the Principal Act the following shall be inserted as a new Section 15-A :

“15-A. **Bar to certain suits.**—(1) No suit shall lie in any civil court against the Government or any officer or person for damages for any act in good faith done, or ordered to be done, in pursuance of this Act or any Rules or Orders made thereunder.

(2) No civil court shall try any suit which may lawfully be brought against the Government in respect of anything done, or alleged to have been done, in pursuance of this Act, unless the suit is instituted within six months after the date of the act complained of”.

12. Amendment of Section 16 of U. P. Act XXIII of 1947.—In Section 16 of the Principal Act for the existing sub-section (2) the following shall be substituted :

“(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for—

- (a) the matters relating to the establishment of the Molasses Board ;
- (b) the manner and the procedure for the conduct of business and the discharge of functions by the Molasses Board ;
- (c) the procedure relating to the removal of members of Molasses Board ; and
- (d) matters which are to be and may be prescribed.”

13. Validation of Acts and proceedings.—(1) Any act or thing done including any order made, action or proceeding taken or jurisdiction exercised under the provisions of the Principal Act before the commencement of this Act which would have been validly and properly done or omitted under the Principal Act as amended by this Act shall be deemed to be and to have been validly and properly done, made, taken or exercised thereunder.

(2) All suits or other proceedings questioning the validity of any act or thing done under the Principal Act prior to the commencement of this Act on the ground that any provision of the Principal Act was not valid in law shall abate and be dismissed.

UTTAR PRADESH APPROPRIATION (REGULARIZATION OF EXCESSES 1951-52) ACT, 1956

(U. P. ACT No. XIII OF 1956)

CONTENTS

Sections

1. Short title.
2. Issue of Rs. 40,01,863 out of the Consolidated Fund of the Uttar Pra-

Sections

- desh for the year 1951-52.
3. Appropriation.

SCHEDULE

Authoritative English text of the Uttar Pradesh Viniyog (1951-52 ki Barhitiyon ka Viniyaman) Adhiniyam, 1956

AN ACT

to provide for the authorization of appropriation of moneys out of the Consolidated Fund of the State to meet the amounts spent on certain services during the financial year ended on the 31st day of March, 1952 in excess of the amounts authorized or granted for the said services

It is hereby enacted in the Seventh Year of the Republic of India as follows :

Prefatory Note.—For Statement of Objects and Reasons, please see *U. P. Gazette*, dated April 21, 1956.

Passed in Hindi by the Uttar Pradesh Legislative Assembly on April 10, 1956, and by the Uttar Pradesh Legislative Council on April 18, 1956.

Received the assent of the Governor on May 5, 1956, under Article 200 of the Constitution of India and was published in the *Uttar Pradesh Gazette Extraordinary*, dated May 8, 1956.

Published in the *Uttar Pradesh Gazette Extraordinary*, dated May 8, 1956.

1. Short title.—This Act may be called the Uttar Pradesh Appropriation (Regularization of Excesses (1951-52) Act, 1956.

2. Issue of Rs. 40,01,863 out of the Consolidated Fund of Uttar Pradesh for the year 1951-52.—From and out of the Consolidated Fund of Uttar Pradesh, there may be paid and applied the sums specified in column 3 of the Schedule amounting in the aggregate to the sum of Rs. 40,01,863 (Rupees forty lakhs, one thousand, eight hundred and sixty-three only) to meet the amounts spent for defraying the charges in respect of the services specified in column 2 of the Schedule during the financial year ended on the 31st day of March, 1952, in excess of the amounts authorized or granted for those services for that year.

3. Appropriation.—The sums authorized to be paid and applied from and out of the Consolidated Fund of Uttar Pradesh by this Act shall be appropriated and shall be deemed to have been appropriated for the services and purposes expressed in the Schedule in relation to the year ending on the thirty-first day of March, 1952.

SCHEDULE

1 Number of vote	2 Services and purposes	3 Sums not exceeding—		
		Voted by the Legislative Assembly	Charged on the Consoli- dated Fund of the State	Total
		Rs.	Rs.	Rs.
16	Police	9,188	..	9,188
18	Education	1,68,176	..	1,68,176
30	Transport Department	38,24,499	..	38,24,499
	Total	40,11,863	..	40,01,863

THE U. P. AGRICULTURAL INCOME TAX (AMENDMENT) ACT, 1956

(U. P. Act No. XIV OF 1956)

CONTENTS

Sections

1. Short title and commencement.
2. Amendment of Section 2 of U. P. Act III of 1949.
3. Amendment of Section 12 of U. P. Act III of 1949.
4. Amendment of Section 15 of U. P. Act III of 1949.
5. Amendment of Section 21 of U. P. Act III of 1949.
6. Amendment of Section 22 of U. P.

Sections

- Act III of 1949.
7. Amendment of Section 25 of U. P. Act III of 1949.
8. Amendment of Section 32 of U. P. Act III of 1949.
9. Amendment of Section 36 of U. P. Act III of 1949.
10. Validation.
11. Review of Proceedings.
12. Repeals.

[As passed by the Legislature]

AN ACT

to amend the U. P. Agricultural Income Tax Act, 1948, for certain purposes

Whereas the U. P. Agricultural Income Tax Act, 1948 was amended by the U. P. Agricultural Income Tax (Amendment) Ordinance, 1956, and the U. P. Agricultural Income Tax (Amendment) (Second) Ordinance, 1956, for certain purposes,

And, whereas, it is expedient further to amend the U. P. Agricultural Income Tax Act, 1948, for the purposes hereinafter appearing ;

It is hereby enacted in the Seventh Year of the Republic of India as follows :

Note.—The English translation of the Act was published in U. P. Gaz. Extra. dated May, 19, 1956. The Act received the assent of the Governor on May 17, 1956.

1. Short title and commencement.—1) This Act may be called the U. P. Agricultural Income Tax (Amendment) Act, 1956.

(2) It shall be deemed to have come into force on and from the ninth day of February, 1956.

2. Amendment of Section 2 of U. P. Act III of 1949.—In Section 2 of the U. P. Agricultural Income Tax Act, 1948 (hereinafter called the Principal Act), for clause (4), the following shall be and be deemed always to have been substituted—

“(4) ‘Assistant Collector in charge of a sub-division’ shall have the meaning as in the U. P. Land Revenue Act, 1901, and will include an Additional Assistant Collector first class in charge of a sub-division.

(4-a) ‘Collector’ shall have the meaning as in the U. P. Land Revenue Act, 1901, and will include an Additional Collector appointed under the said Act.”

3. Amendment of Section 12 of U. P. Act III of 1949.—In Section 12 of the Principal Act—

(1) for the full-stop at the end of the existing proviso to clause (d) a semi-colon shall be substituted and thereafter the word “and” shall be added ; and

(2) after clause (d) the following shall be added as a new clause (e)—

“(e) any sums paid by such person as dominations to any institution or fund for a charitable purpose, provided that the aggregate of these sums exempted under this clause shall not exceed two hundred and fifty rupees.”

4. Amendment of Section 15 of U. P. Act III of 1949.—In sub-section (3-B) of Section 15, between the words “agricultural income” and “which” the words “other than agricultural income from tea gardens” shall be inserted.

5. Amendment of Section 21 of U. P. Act III of 1949.—In Section 21 of the Principal Act, after sub-section (5), the following shall be added as sub-section (6)—

“(6) a copy of the order disposing of the appeal should be served by the appellate authority on the appellant”.

6. Amendment of Section 22 of U. P. Act III of 1949.—In Section 22 of the Principal Act—

(1) In sub-section (1)—

(a) the following shall be added as a first proviso—

“Provided that no such application shall be entertained in any case where an appeal lay against the order but the applicant failed to prefer it within the time prescribed therefor”.

(b) the existing proviso shall be made the second proviso and between the words “provided” and “that” the word “further” shall be inserted.

(2) after sub-section (1) the following shall be added as a new sub-section (1-A)—

“(1-A) The application under sub-section (1) shall be made within one year from the date of the service of the order complained of, but the Board may on proof of sufficient cause entertain an application within a further period of six months.”

7. Amendment of Section 25 of U. P. Act III of 1949.—In Section 25 of the Principal Act, for the words “two years” between the words “within” and “of the expiry” the words “three years” shall be substituted.

8. Amendment of Section 32 of U. P. Act III of 1949.—For Section 32 of the Principal Act the following shall be substituted—

“**32. Recovery of penalties and time for recovery of any sum payable under this Act.**—(1) The Collector may, on the motion of the assessing authority, recover any sum imposed by way of penalty under the provisions of Sections 17, 31, 37, or, where an assessee is in default the amount assessed as agricultural income-tax, as if it were an arrear of land revenue.

(2) No proceeding for the recovery of any sum payable under this Act shall be commenced after the expiration of one year from the date on which the last instalment fixed under Section 30 falls due :

Provided that the period of one year herein referred to shall—

- (i) where an assessee has been treated as not being in default under proviso to sub-section (3) of Section 30, as long as his appeal is undisposed of, be reckoned from the date on which the appeal is disposed of;
- (ii) where recovery proceedings in any case have been stayed by any order of a court or any other authority, be reckoned from the date on which the order is withdrawn;
- (iii) where the date of payment of agricultural income tax has been extended by any authority be reckoned from the date up to which the time for payment had been extended :

Provided further that nothing in the foregoing proviso shall have the effect of reducing the period within which proceedings for recovery can be commenced, namely after the expiration of one year from the date on which the last instalment fixed under Section 30 fell due”.

9. Amendment of Section 36 of U. P. Act III of 1949.—In sub-section (1) of Section 36 of the Principal Act, between the words “under this Act” and “or” the words “other than proceedings under this chapter” shall be inserted.

10. Validation.—(1) For the removal of doubts it is hereby declared that—

- (a) in rule 18 of the U. P. Agricultural Income Tax Rules, 1949 the expression “Collector” and “Assistant Collector in-charge of a sub-division” shall respectively include and be deemed always to have included an “Additional Collector” and an “Additional Assistant Collector in-charge of a sub-division”;
- (b) all orders made, actions or proceedings taken, directions issued or jurisdictions exercised under or in accordance with the provisions of the Principal Act or of any rule framed thereunder prior to the amendment of that Act by Section 2 of this Act shall be deemed to be as good and valid in law as if Section 2 aforesaid had been in force at all material dates.

(2) Where any question arises as to the validity or legality of any assessment made by an Additional Assistant Collector in-charge of a sub-division or by an Additional Collector in purported exercise of the powers under Section 14 or of the rules framed under clause (a) of sub-section (2) of Section 44 of the Principal Act, the same shall be determined as if the provisions of Section 2 of this Act had been in force at all material dates.

11. Review of Proceedings.—Where before the commencement of this Act any court or authority has, in any proceedings under the Principal Act, set aside any assessment made by an Additional Collector or Additional Assistant Collector in-charge of a sub-division merely on the ground that the assessing authority had no jurisdiction to make an assessment, any party to the proceedings may, at any time within ninety days from the date of commencement of this Act apply to the Court or authority for a review of the proceedings in the light of the provisions of this Act, and the Court or authority to which the application is made shall review the proceedings accordingly and make such order, if any, varying or revising the order previously made, as may be necessary to give effect to the provisions of the Principal Act as amended by Sections 2 and 8 of this Act.

Provided that, on any such application, the Court or the Authority may make such order as to the costs of the application and of the proceedings as it may deem just and proper.

12. Repeals.—The U. P. Agricultural Income Tax (Amendment) (Second) Ordinance, 1956, is hereby repealed and the provisions of Sections 6 and 24 of the U. P. General Clauses Act, 1904, shall apply to it as if it had been an enactment repealed by an Uttar Pradesh Act.

UTTAR PRADESH UNIVERSITIES (AMENDMENT) ACT, 1956

(U. P. Act No. XV of 1956)

CONTENTS

Sections

1. Short title and commencement.
2. Amendment of U. P. Act V of 1920.
3. Amendment of U. P. Act III of 1921.
4. Amendment of Section 43 of U. P.

Sections

- Act V of 1955.
5. Amendment of Section 43 of U. P.
- Act VI of 1955.
6. Repeal.

*Authoritative English Text of the Uttar Pradesh Vishwa Vidyalyaya
(Samsodhan) Adhiniyam, 1956*

AN ACT

*to amend the provisions of the Lucknow University Act, 1920, the Allahabad
University Act, 1921, the Allahabad University (Amendment) Act, 1954,
the Lucknow University (Amendment) Act, 1954*

Whereas the Lucknow University Act, 1920, the Allahabad University Act, 1921, the Allahabad University (Amendment) Act, 1954 and the Lucknow University (Amendment) Act, 1954, were amended by the U. P. Universities (Amendment) (Second) Ordinance, 1956, for certain purposes ;

And, whereas, it is expedient to replace the said Ordinance by an Act of the Legislature ;

It is hereby enacted in the Seventh Year of the Republic of India as follows :

Prefatory Note.—Statement of Objects and Reasons.

Section 43 of each of the Allahabad University (Amendment) Act, 1954 and the Lucknow University (Amendment) Act, 1954 made provision for transitional matters. It was expected that the transition would be completed within a period of 12 months but this could not be done particularly as in many cases views of the Universities concerned had also to be invited. As the complete transition may take some further time, extension of the period laid down in that behalf in Section 43 aforesaid has become necessary.

In view of the growing need of trained medical men it became necessary for the State Government to establish a third Medical College at Kanpur. It has been decided that the Medical College at Kanpur should be attached to the Lucknow University as a Constituent College. As however, doubts were expressed whether the College could be attached to the Lucknow University in view of Section 46 of the Lucknow University Act it became necessary to place the matter beyond controversy. Accordingly the Governor promulgated the U. P. Universities (Amendment) Ordinance, 1956 and replaced it by U. P. Universities (Amendment) (Second) Ordinance, 1956. It is necessary to re-enact its provisions by an Act of the Legislature. Opportunity has also been availed to remove certain other difficulties discovered in the course of working of the Lucknow and Allahabad University Acts. The Bill is accordingly introduced." Vide U. P. Gaz. Extra. dated April 17, 1956.

1. Short title and commencement.—(1) This Act may be called the Uttar Pradesh Universities (Amendment) Act, 1956.

(2) It shall come into force at once.

Note.—The Act was passed in Hindi by the Uttar Pradesh Legislative Assembly on May 21, 1956, and by the Uttar Pradesh Legislative Council on May 7, 1956.

Received the assent of the Governor on May 24, 1956, under Article 200 of the Constitution of India and was published in the *Uttar Pradesh Gazette Extraordinary* dated May 26, 1956.

2. Amendment of U. P. Act V of 1920.—In the Lucknow University Act, 1920—

(1) in item (vii) of sub-section (1) of Section 16 between the words "Medical" and "Services" the words "and Health" shall be inserted ;

(2) sub-sections (2) and (2-A) of Section 16 shall be omitted ;

(3) after item (iv) in sub-section (1) of Section 19, the following shall be inserted as item (iv-a) :

"(iv-a) One Principal of a Constituent College who is not otherwise a member, of the Council, to be appointed in such manner by such authority and for such term as may be prescribed by Statutes";

(4) for sub-section (4) of Section 20, the following shall be substituted :

"(4) The Executive Council shall not take any action in regard to the number qualification and emoluments of teachers and the fees payable to examiners, except after considering the advice of the Academic Council".

(5) the proviso to sub-section (1) of Section 21 shall be omitted ;

(6) for sub-section (4) of Section 23, the following shall be substituted :

"(4) There shall be a Dean of each Faculty who shall be chosen in such manner and for such period as may be prescribed by the Statutes";

(7) Section 26 shall be deleted.

(8) in the proviso to Section 46 for the words "agricultural or other technical institution established and maintained by the University" the words "medical, agricultural or technical institution established or maintained by the University or by the State Government" shall be substituted.

3. Amendment of U. P. Act III of 1921.—In the Allahabad University Act, 1921 :

(1) sub-sections (2) and (3) of Section 17 shall be deleted ;

(2) the proviso to sub-section (1) of Section 22 shall be deleted ; and

(3) for sub-section (4) of Section 24, the following shall be substituted :

“(4) There shall be a Dean of each Faculty who shall be chosen in such manner and for such period as may be prescribed by the Statutes”.

4. Amendment of Section 43 of U. P. Act V of 1955.—In sub-section (1) of Section 43 of the Allahabad University (Amendment) Act, 1954—

(i) for the words “one year” occurring in clause (b) the words “eighteen months” shall be substituted ; and

(ii) for the word “twelve” occurring in the proviso at the end of the aforesaid sub-section the word “eighteen” shall be substituted.

5. Amendment to Section 43 of U. P. Act VI of 1955.—In sub-section (1) of Section 43 of the Lucknow University (Amendment) Act, 1954—

(i) for the words “one year” occurring in clause (b) the words “eighteen months” shall be substituted ; and

(ii) for the word “twelve” occurring in the proviso at the end of the aforesaid sub-section, the word “eighteen” shall be substituted.

6. Repeal.—The U. P. Universities (Amendment) (Second) Ordinance, 1956, is hereby repealed and the provisions of Sections 6 and 24 of the U. P. General Clauses Act, 1904, shall apply as if it had been an enactment repealed by an U. P. Act.

THE SALES TAX (AMENDMENT) ACT, 1955

(U. P. ACT No. XVI OF 1956)

CONTENTS

Sections

1. Short title, extent and commencement.
2. Insertion of a new Section 4-A in U. P.

Sections

Act XV of 1948.

*Authoritative English Text of the Uttar Pradesh Bikri Kar
(Samsodhan) Adhiniyam, 1955*

AN ACT

to amend the U. P. Sales Tax Act, 1948, for certain purposes

Whereas it is expedient to amend the U. P. Sales Tax Act, 1948, for the purposes hereinafter appearing ;

It is hereby enacted in the Sixth Year of the Republic of India as follows :

Prefatory Note.—The Statement of Objects and Reasons runs as below :—

1. The U. P. Sales Tax Act as it is at present worded, does not confer on the State Government the power to grant exemption from Sales Tax to, or to levy Sales Tax at a reduced rate on, particular manufactures of any goods or class of goods. Such a provision is necessary to empower the State Government to grant concession in the matter of payment of Sales Tax to the new industries started for producing articles of national importance which are so far not manufactured in the State or are not produced in sufficient quantities. This concession when given will not only encourage the establishment of new industries, but will also provide fresh avenues of employment.

2. It is accordingly proposed to suitably amend the U. P. Sales Tax Act with a view to exempting from Sales Tax or reducing the rate of tax in respect of particular manufacturers of any goods or class of goods.” Vide U. P. Gaz. Extra, dated Aug. 12, 1955

1. Short title, extent and commencement.—(1) This Act may be called the U. P. Sales Tax (Amendment) Act, 1955.

(2) It shall come into force at once.

Note.—The Act was passed in Hindi by the Uttar Pradesh Legislative Assembly on May 4, 1956, and by the Uttar Pradesh Legislative Council on May 9, 1956.

Received the assent of the Governor on May 24, 1956, under Article 200 of the Constitution of India and was published in the *Uttar Pradesh Gazette (Extraordinary)* dated May, 26, 1956.

Note.—The amendments made by this Act have already been incorporated in the principle Act, printed on Pages 2451—2472 of Vol. IV.

2. Insertion of a new Section 4-A in U. P. Act XV of 1948.—After Section 4 of the U. P. Sales Tax Act, 1948, the following shall be added as a new Section 4-A :

“4-A. Exemption from Sales Tax of certain goods for specified period.—(1) Where the State Government is of the opinion that it is necessary so to do for increasing production of any goods, it may by notification in the official *Gazette* declare that the turn-over in respect of such goods by the manufacturer thereof shall during such period, not being less than three years but not exceeding five years, as may be specified, be exempt from sales tax or be liable to tax at such reduced rate as it may fix anything in Section 3 or 3-A notwithstanding.

(2) It shall be lawful for the State Government to grant under subsection (1) the exemption either generally in respect of all such goods manufactured subsequent to the date of notification or in respect of such of those goods only as are manufactured in a factory or workshop erected and established after the said date.”

U P. GOVERNMENT PREMISES (RENT RECOVERY AND EVICTION) (AMENDMENT) ACT, 1956

(U. P. Act No. XVII of 1956)

CONTENTS

<i>Sections</i>	<i>Sections</i>
1. Short title and commencement.	Act XXXIX of 1952.
2. Amendment of Section 2 of U. P. Act XXXIX of 1952.	4. Amendment of Section 11 of U. P. Act XXXIX of 1952.
3. Amendment of Section 9 of U. P.	5. Repeal.

[*Authoritative English Text of the Uttar Pradesh Sarkari Bhoograhadi (Kiraye ki Vasonli aur Bedakhali) (Sanshodhan) Adhiniyam, 1956*]

AN ACT

to amend the U. P. Government Premises (Rent Recovery and Eviction) Act, 1952

Whereas the U. P. Government Premises (Rent Recovery and Eviction) Act, 1952, was amended by the U. P. Government Premises (Rent Recovery and Eviction) (Amendment) (Second) Ordinance, 1956, for certain purposes ;

And, whereas, it is expedient to replace the said Ordinance by an Act of the Legislature ;

It is hereby enacted in the Seventh year of the Republic of India as follows :

Prefatory Note.—The Statement of Objects and Reasons runs as below :—

1. Under the existing provisions of the Uttar Pradesh Government Premises (Rent Recovery and Eviction) Act, 1952, persons continuing to occupy Government premises

without authority can be evicted from such premises. The word "premises" as defined in the Act means any building or part of a building. It has become necessary to include structures like wooden stalls, kiosks, etc. within the definition of the word 'premises' so that such stalls, kiosks, etc. may be got vacated from those continuing to occupy them without authority.

2. Further, the Act authorizes the District Judge to stay an order of eviction issued under Section 7 of the Act. For the sake of expediency it is considered necessary to provide that eviction orders where the premises concerned is a stall, kiosk or other similar strong structure, shall not be stayed by the District Judge.

3. To achieve the above, an Ordinance has already been promulgated. The present Bill incorporates the provisions of the Ordinance." Vide U. P. Gaz. Extra, dated April 12, 1956.

1. Short title and commencement.—(1) This Act may be called the U. P. Government Premises (Rent Recovery and Eviction (Amendment) Act, 1956.

(2) It shall come into force at once.

Note.—The Act was passed in Hindi by the Uttar Pradesh Legislative Council on April 17, 1956, and by the Uttar Pradesh Legislative Assembly on May 21, 1956.

Received the assent of the President on May 26, 1956, under Article 201 of the Constitution of India and was published in the *Uttar Pradesh Gazette Extraordinary*, dated May 28, 1956.

Published in the *Uttar Pradesh Gazette Extraordinary*, dated May 28, 1956.

Note.—The Amendments made by this Act have already been incorporated in the principle Act printed on pages 1324—1328 of Vol. II.

2. Amendment of Section 2 of U. P. Act XXXIX of 1952.—In Section 2 of the U. P. Government Premises (Rent Recovery and Eviction) Act, 1952 (hereinafter called the Principal Act)—

(1) for clause (c) the following shall be and be deemed always to have been substituted :

"(c) 'Government Premises' means premises belonging to, owned, held, requisitioned or taken on lease by the State Government ;"

(2) in clause (d), the following shall be and be deemed always to have been added as an explanation :

"**Explanation**—A stall, kiosk or other strong structure, whether made of timber or other material, used or intended to be used as such, is a building within the meaning of this clause."

3. Amendment of Section 9 of U. P. Act XXXIX of 1952.—In Section 9 of the Principal Act, for full-stop at the end, a semi-colon shall be substituted and thereafter the following shall be added as a proviso :

"Provided that no such order for stay shall be made where the premises concerned is a stall, kiosk or other similar strong structure, but the District Judge may, if the appeal is allowed, direct that the person evicted be restored into possession of the premises."

4. Amendment of Section 11 of U. P. Act XXXIX of 1952.—In sub-section (1) of Section 11, the full-stop at the end shall be deleted and thereafter the words "or with the order of the District Judge for restoration of possession in accordance with the proviso to Section 9", shall be added.

5. Repeal.—The U. P. Government Premises (Rent Recovery and Eviction) (Amendment) (Second) Ordinance, 1956, is hereby repealed and the provisions of Sections 6 and 24 of the U. P. General Clauses Act, 1904, shall apply to it as if it had been an enactment repealed by an U. P. Act.

THE UTTAR PRADESH LAND REFORMS (AMENDMENT) ACT, 1956

(U. P. ACT No. XVIII OF 1956)

CONTENTS

<i>Sections</i>	<i>Sections</i>
1. Short title, extent and commencement.	14. Removal of doubts regarding continuance of proceedings under adjudication of a court of law.
2. Amendment of Section 3 of U. P. Act I of 1951.	15. Review of dismissed application by the court under Section 232 of U. P. Act I of 1951.
3. Commencement of Section 6 of U. P. Act XX of 1954.	16. Amendment of Section 240-H of U. P. Act I of 1951.
4. Amendment of Section 10 of U. P. Act I of 1951 in its application to former Banaras State.	17. Insertion of a new Section 240-HH in U. P. Act I of 1951.
5. Amendment of Section 131 of U. P. Act I of 1951.	18. Amendment of Section 246 of U. P. Act I of 1951.
6. Amendment of Section 132 of U. P. Act I of 1951.	19. Amendment of Sections 332-A and 332-B of U. P. Act I of 1951.
7. Amendment of Section 154 of U. P. Act I of 1951.	20. Amendment of Schedule II U. P. Act I of 1951.
8. Amendment of Section 167 of U. P. Act I of 1951.	21. Amendment of Schedule V of U. P. Act I of 1951.
9. Insertion of new Section 168-A in U. P. Act I of 1951.	22.
10.	SCHEDULE
11.	23. Saring.
12. Amendment of Section 225 of U. P. Act I of 1951.	24. Transition.
13. Amendment of Section 229 of U. P. Act I of 1951.	25.

Authoritative English text of the Uttar Pradesh Bhoomi Vyawastha (Sanshodhan) Adhiniyam, 1956

AN ACT

to amend the Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950 and other laws relating to land tenure

Whereas it is expedient to amend the Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950, and other laws relating to land tenure for the purposes hereinafter appearing :

It is hereby enacted in the Seventh Year of the Republic of India as follows :

Prefatory Note.—For Statement of Objects and Reasons, please see *Uttar Pradesh Gazette Extraordinary*, dated January 17, 1956.

Passed in Hindi by the Uttar Pradesh Legislative Assembly on April 30, 1956, and by the Uttar Pradesh Legislative Council on May 16, 1956.

Received the assent of the President on May 26, 1956 under Article 201 of the Constitution of India and was published in the *Uttar Pradesh Gazette Extraordinary*, dated May 28, 1956.

1. Short title, extent and commencement.—(1) This Act may be called the Uttar Pradesh Land Reforms (Amendment) Act, 1956.

(2) It extends to the whole of Uttar Pradesh except the areas which on the 7th day of July, 1949, were included in a Municipality or a Notified Area under the provisions of the U. P. Municipalities Act, 1916, or a Cantonment under the provisions of the Cantonment Act, 1924, or a Town Area under the provisions of the U. P. Town Area Act, 1914 :

Provided that in its application to the areas specified in Section 2 of the Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950 (hereinafter called the Principal Act), the provisions of this Act shall have effect subject to such exceptions or modifications not affecting the substance as the State Government may by notification in the official *Gazette* specify in this behalf.

(3) It shall come into force at once except in the areas specified in Section 2 of the Principal Act where it shall, subject to any exception or modification made under sub-section (2), come into force on such date as the State Government may by notification in the official *Gazette* appoint.

2. Amendment of Section 3 of U. P. Act I of 1951.—In Section 3 of the Principal Act—

(1) after sub-section (6), the following shall be added as a new sub-section (6-a)—

“(6-a) ‘consolidated area’ means the area in respect of which a notification has, consequent upon the closing of consolidation operation, been published under Section 52 of the Uttar Pradesh Consolidation of Holdings Act, 1953.”

(2) after sub-section (8), the following shall be added as new sub-section (8-a)—

“(8-a) ‘fragment’ means land of less extent than—

(a) 6.25 acres in—

- (i) Bundelkhand ;
- (ii) Trans-Jamuna portions of the Allahabad, Etawah, Agra and Mathura Districts ;
- (iii) the portion of the Mirzapur District south of Kaimur Range ;
- (iv) Tappa Upraudh and Tappa Chaurasi (Balai Pahar) of tahsil Sadar in district Mirzapur ;
- (v) portion of tahsil Robertsganj, district Mirzapur which lies north of Kaimur Range ; and
- (vi) Pargana Sakteshgarh and the villages mentioned in lists ‘A’ and ‘B’ of Schedule VI in hill *patties* of Parganas Ahraura and Bhagwat of tahsil Chunar of district Mirzapur ; and

(b) 3. 125 acres in the rest of Uttar Pradesh excluding Kumaun Division.”

3. Commencement of Section 6 of U. P. Act XX of 1954.—(1) Section 6 of the Uttar Pradesh Land Reforms (Amendment) Act, 1954, deleting clause (b) of sub-section (1) of Section 23, shall in the matter of assessment and payment of compensation or rehabilitation grant be deemed to have had effect from the date of commencement of the Principal Act.

(2) The Compensation Officer may on his own motion or shall, on the application of the intermediary concerned filed within three months of the date of commencement of this Act, prepare an amended compensation roll as if sub-section (1) had been in force at all material dates and the provisions of the Principal Act shall apply as they apply in relation to the main compensation roll.

(3) Subject always to the provision of Section 335, where any compensation in respect of the Estate has been paid to any person other than the applicant, the applicant shall be entitled to recover such amount from the person to whom such compensation was paid.

4. Amendment of Section 10 of U. P. Act I of 1951 in its application to former Banaras State.—For Section 10 of the Principal Act as applicable to the territories of the former Banaras State the following shall be substituted:

“10. Tenants of Sir.—(1) Every tenant of land recorded as *sir* of an intermediary shall be deemed to be a hereditary tenant thereof at the rate of the rent payable by him on the date immediately preceding the date of vesting.

(2) Nothing in sub-section (1) shall apply to a tenant of *sir* if his landholder was—

- (i) a woman,
 - (ii) a minor,
 - (iii) a lunatic,
 - (iv) an idiot,
 - (v) a person incapable of cultivation by reason of blindness or physical infirmity, or
 - (vi) a person in military, naval or air force of Indian Union,
- both at the commencement of tenancy and on the date of vesting.”

5. Amendment of Section 131 of U. P. Act I of 1951.—In Section 131 of the Principal Act for clause (c) the following shall be substituted :—

“(c) Every person who in any other manner acquires the rights of a *sirdar* under or in accordance with the provisions of this Act or of any other law for the time being in force.”

6. Amendment of Section 132 of U. P. Act I of 1951.—In clause (c) of Section 132 of the Principal Act after the words “plantation” the words “or Community orchards or sillage farm or trenching grounds belonging as such to a local authority” shall be inserted.

7. Amendment of Section 154 of U. P. Act I of 1951.—For the existing explanation to Section 154 of the Principal Act, the following shall be substituted as Explanation I:

“*Explanation I*—For the purposes of this section, a family shall include, in case it is a joint family, the transferee himself, his father and his mother, his male lineal descendants and his wife or her husband, as the case may be.”

And thereafter, the following shall be added as Explanation II:

“*Explanation II*—For the purpose of this section, the transferee shall, unless proved to the contrary, be presumed to be joint with the members of his family mentioned in Explanation I.”

8. Amendment of Section 167 of U. P. Act I of 1951.—In Section 167 of the Principal Act, between the words “Gaon Sabha” and the words “or the land-holder”, the words “or the Collector on behalf of the Gaon Sabha” shall be inserted.

9. Insertion of new Section 168-A in U. P. Act I of 1951.—After Section 168 of the Principal Act, the following shall be added as new Section 168-A:

Prevention of Fragmentation

“168-A. Transfer of fragments.—(1) Notwithstanding the provisions of any law for the time being in force, no person shall transfer whether

by sale, gift or exchange any fragment situate in a consolidated area except where the transfer is in favour of tenure-holder who has a plot contiguous to the fragment or where the transfer is not in favour of any such tenure-holder, the whole of the plot to which the fragment pertains is thereby transferred.

(2) The transfer of any land contrary to the provisions of sub-section (1) shall be void.

(3) When a *blumidhar* has made any transfer in contravention of the provisions of sub-section (1), the provisions of Sections 167 and 168 shall, *mutatis mutandis*, apply."

10. In Section 190 for the words and figures "Sections 172 and 173", read "Section 172."

11. In Section 212 of the Principal Act, between the words "tank", and "pathway" the word "pond" shall be inserted.

12. **Amendment of Section 225 of U. P. Act I of 1951.**—For the existing Section 225 of the Principal Act, the following shall be substituted—

"225. **Recovery of arrears of rent, sayar and other dues in respect of Government property and Gaon Samaj property.**—Arrears of rent, sayar or other dues due in respect of property vesting in the Central or State Government or in a Gaon Samaj or a local authority or in respect of area attached under the provisions of Section 289 may be recovered as arrears of land revenue."

13. **Amendment of Section 229 of U. P. Act I of 1951.**—(1) For Section 229-B of the Principal Act, the following shall be substituted—

"229-B. (1) Any person claiming to be an *asami* of a holding whether exclusively or jointly with any other person may sue the land-holder—

(a) for a declaration that he is an *asami* of the holding, or

(b) for a declaration of his share therein.

(2) In any suit under sub-section (1) any other person claiming to hold as *asami* under the land-holder shall be impleaded as defendant.

(3) The provisions of sub-sections (1) and (2) shall *mutatis mutandis* apply to a suit by a person claiming to be a *sirdar* with the amendment that for the word 'land-holder' the words "the State Government and the Gaon Sabha" are substituted therein."

14. **Removal of doubts regarding continuance of proceedings under adjudication of a court of law.**—Under Section 240-B of the Principal Act every person including an *Adhivasi*, to whom clause (b) of Section 20 of that Act applied, became a *sirdar* of land of which he was an *Adhivasi* on the date immediately preceding the appointed date, and it is necessary to remove doubts as to the right of any such *Adhivasi* to continue proceeding for recovery of possession under Section 232 of that Act, in the court in which it was pending at the appointed date, accordingly after sub-clause (a) of clause (f) of Section 240-B aforesaid the following shall and be deemed always to have been inserted as a new sub-clause (aa)—

"(aa) to continue any proceeding under Section 232 pending at the appointed date in any court, in such court.

Explanation—In this section the expression 'Appointed Date' has the meaning assigned to it in Section 240-A of the Principal Act."

15. Review of dismissed application by the court under Section 232 of U. P. Act I of 1951.—Where before the commencement of this Act any court has made an order dismissing any application under Section 232 of the Principal Act or returning it for presentation to proper court on the ground that the court had no longer jurisdiction to hear it consequent upon the notification under Section 240-B of the Principal Act, any party to the proceeding may, at any time within 90 days from the commencement of this Act, apply to the court for a review of the Order in the light of the provisions of the Principal Act as amended by Section 11-A of this Act and the court to which the application is made shall review the proceeding accordingly and make such order, if any, varying or revising the Order previously made as may be necessary to give effect to the provisions of Section 232 of the Principal Act as amended by this Act :

Provided that on any such application the Court may make such Order as to the cost of the application or the proceeding as it may deem just and proper.

16. Amendment of Section 240-H of U. P. Act I 1951.—In clause (b) of sub-section (2) of Section 240-H, after the word “shall”, a “comma” shall be added and thereafter the words “except in cases in which Section 240-III applies” shall be added.

17. Insertion of a new Section 240-HH in U. P. Act I of 1951.—After Section 240-H of the Principal Act, the following shall be inserted as a new Section 240-HH :

“240-III. **Question of title in respect of law in areas under consolidation operations to be referred to the Arbitrator.**—Where the question of title referred to in clause (b) of sub-section (2) of Section 240-H is in respect of a land included in the area which is under consolidation operations within the meaning of Section 5 of the U. P. Consolidation of Holdings Act, 1954, the Compensation Officer shall refer the question for determination to the Civil Judge having jurisdiction who shall thereupon refer it for determination to the Arbitrator appointed under sub-section (1) of Section 37 of the aforesaid Act, and the provisions of that Act and of the Rules made thereunder shall have effect in relation to the reference so made as if it were a question raised and also referred in proceedings under that Act.”

18. Amendment of Section 246 of U. P. Act I of 1951.—In sub-section 246 of the Principal Act :

(1) for clause (c), the following shall be substituted :

“(c) where he acquired the right of a *sirdar* under Section 204 or 210 an amount—

(i) in the land which was a *sirdari* holding, equal to the sum payable by the *sirdar* whose rights he has thus acquired, or

(ii) in the land which was a *bhumidhari* holding, computed at double the hereditary rates applicable :

Provided that the land revenue to be determined shall not in any case be less than the hereditary rates applicable.”

(2) After clause (c) the following shall be added as new clause (d), (e) and (f)—

“(d) where he acquires the right of a *sirdar* under or in accordance with any law other than this Act the amount determined in accordance therewith,

(e) where he acquires the rights of a *sirdar* under Section 165 (a) an amount equal to double the land revenue payable by the predecessor *blumi-dhar* calculated according to the manner prescribed,

(f) where he acquires the right of a *sirdar* under or in accordance with any other provision of this Act an amount equal to double the rent computed at hereditary rates applicable."

19. Amendment of Sections 332-A, and 332-B of U. P. Act I of 1951.—In Sections 332-A and 332-B of the Principal Act for the words "an *adhiyasi* or *asami*" wherever they occur, the words "a *sirdar*, *adhiyasi* or *asami*" shall be substituted.

20. Amendment of Schedule II of U. P. Act I of 1951.—For existing Schedule II of the Principal Act the Schedule hereinafter appearing shall be substituted.

21. Amendment of Schedule V of U. P. Act I of 1951.—In Schedule V of the Principal Act :

(1) in sub-para. (1) of para. 2 for the words "within one year from the commencement of the Uttar Pradesh Land Reforms (Amendment) Act, 1954," the words "before the 31st day of December, 1956" shall be and be deemed always to have been substituted ;

(2) in sub-para. (1) of para. 4 for the words "within one year from the commencement of the Uttar Pradesh Land Reforms (Amendment) Act, 1954," the words "before 31st day of December, 1956" shall be substituted ;

(3) after para. 4 the following shall be added as a new para. 4-A :

"4-A. The provisions of para. 4 shall *mutatis mutandis* apply to a person who has become *adhiyasi* under clause (a) of Section 20 as if—

(a) for the words U. P. Land Reforms (Amendment) Act, 1954, pay the Custodian an amount equal to 20 times' the words 'U. P. Land Reforms (Amendment) Act, 1955, pay the Custodian an amount equal to 15 times' had been substituted, and

(b) references to clause (b) were references to 'clause (a)' also."

(4) the existing para. 6 shall be re-numbered as sub-para. (1) of para. 6 and thereafter the following shall be added as sub-para. (2) and (3) :

"(2) where in any suit or proceeding relating to land instituted after the commencement of the Uttar Pradesh Land Reforms (Amendment) Act, 1955, in a Civil or Revenue Court or if instituted before the said commencement, a decree or order has not already been passed, the question arises or is raised whether any party to the suit or proceeding is or on any material date was a *sirdar*, *adhiyasi* or *asami* of land and such question has not been previously determined by a Court of competent jurisdiction or the Custodian, the Court shall stay the proceedings and direct the party claiming to be a *sirdar*, *adhiyasi*, or *asami* to get the said right determined by the Custodian.

(3) the decision of the Custodian shall be conclusive subject to the provision of appeals, reviews and revisions contained in the Administration of Evacuee Property Act, 1950.

The provisions of sub-sections (2) and (4) of Section 332-B shall thereafter apply as, if, for the word 'Collector' the word 'Custodian' had been substituted therein."

22. The U. P. Land Revenue Act, 1901 shall, in its application to an area, in respect of which a notification under Section 4 of the Uttar Pradesh

Zamindari Abolition and Land Reforms Act, 1950, has been issued, stand amended from the date of vesting thereof and it is hereby amended to the extent mentioned in column 3 of the Schedule.

SCHEDULE

Amendment to the U. P. Land Revenue Act, 1901

Serial No.	Section	Extent of modification or amendment
1	2	3
1	21 and all other sections of the Act wherever the word "Patwari" occurs.	The word "Lekhpal" shall be substituted for the word "Patwari" wherever it occurs in any of section of the Act.
2	23 ..	For the existing Section 23 the following shall be substituted : "The State Government shall appoint a 'Lekhpal to each <i>halqa</i> for the of records specified by or under the Act and for the purpose of such other duties as may be prescribed."
3	25 ..	The words and the commas "subject to rules made under section 2, 34." shall be deleted.

23. Saving.—(i) Any amendment made by this Act shall not effect the validity, invalidity, effect or consequence of anything already done or suffered, or any right, title, obligation or liability already acquired, accrued or incurred or any jurisdiction already exercised, and any proceeding instituted or commenced before any court or authority prior to the commencement of this Act shall, notwithstanding any amendment herein made, continue to be heard and decided by such court or authority.

(ii) An appeal, review or revision from any suit or proceeding instituted or commenced before any court or authority prior to the commencement of this Act shall, notwithstanding any amendment herein made, lie to the Court or authority to which it would have laid if instituted or commenced before the said commencement.

24. Transition.—(1) The State Government, may, for the purpose of removing any difficulty particularly in relation to the transition from the provisions of the Principal Act to the provisions of that Act as amended by this Act, by order, direct that the Principal Act, amended as aforesaid, shall during the period of twelve months next after the commencement of this Act, have effect subject to such adaptations whether by way of modifications, addition or omission as it may deem to be necessary and expedient.

(2) Every order made under sub-section (1) shall be laid as soon as may be before both Houses of the State Legislature.

25. The Uttar Pradesh Land Reforms (Amendment) (Second) Ordinance, 1956 is hereby repealed and the provisions of Sections 6 and 24 of the U. P. General Clauses Act, 1904 shall apply as if it had been an enactment repealed by an Uttar Pradesh Act,

SCHEDULE

For Schedule II of the Principal Act, the following shall be substituted :

SCHEDULE II

(Section 331)

Serial No.	Section	Description of proceedings	Court of original jurisdiction	Court of first appeal	Court of second appeal
1	2	3	4	5	6
1	12	Application for recovery of possession.	Assistant Collector 1st Class.	Commissioner.	Board.
2	13	Thekedar's application for the grant of land or extension in the period of cultivation.	Collector ..	Do.	..
3	14	Application to deposit money by mortgagee.	Assistant Collector 1st Class.	Do.	..
4	33	Proceedings for correction of records of rights.	Compensation officer	Do.	..
5	117	Application for payment of compensation on account of development.	Assistant Collector Incharge of Sub-division.	Do.	..
6	134 139	Application for acquisition of <i>bhumidhari</i> rights.	Assistant Collector	Do.	..
7	137-A	Application for cancellation of certificate.	Do.	Do.	Board.
8	138	Suit for partition of holdings ..	Assistant Collector 1st Class.	Do.	..
9	140	Application for Refund ..	Assistant Collector	Do.	..
10	140-A	Application for the refund of 1/3 of the deposit to the landholder.	Do.	Do.	..
11	143 144	Application for declaration ..	Assistant Collector Incharge of Sub-division.	Do.	Board.
12	157 (2)	Application for determination of the share of the lessor and partition.	Assistant Collector 1st Class.	Do.	Do.
13	161	Application for permission to make exchange.	Assistant Collector 1st Class.	Commissioner.	Board.
14	163	Suit for the ejectment of a transferee.	Assistant Collector Incharge of Sub-division.	Do.	Do.
15	167 read with 201 or 202(a).	Suit for the ejectment of a transferee of a <i>sirdar</i> or <i>asami</i> .	Assistant Collector 1st Class.	Do.	Do.
16	176	Suit for the partition of a holding of a <i>sirdar</i> .	Do.	..	Do.
17	183 184	Application for surrender ..	Tahsildar	..	Do.
18	186	Application for service of notice in respect of abandoned holding.	Do.	..	Do.
19	191 read with 202(a).	Suit for ejectment of <i>asami</i> ..	Assistant Collector 1st Class.	Do.	Board.

Serial No.	Section	Description of proceedings	Court of original jurisdiction	Court of first appeal	Court of second appeal
1	2	3	4	5	6
20	198	Objection against order of Gaon Sabha relating to letting out of land.	Assistant Collector Incharge of Sub-division.	Do.	..
21	202 (b) to (h).	Suits for ejectment of <i>asami</i> .	Assistant Collector 1st Class.	Do.	Board.
22	201 read with 201 or 202 (a).	Suit for ejectment of a <i>sirdar</i> or <i>asami</i> .	Do.	Do.	Do.
23	208	Suit for injunction or for repair of the waste or damage.	Do.	Do.	Do.
24	209	Suit for ejectment of persons occupying land without title.	Do.	Do.	Do.
25	211	Suit for the ejectment of <i>sirdar</i> .	Do.	Do.	Do.
26	212	Suit for ejectment of persons from land of public utility.	Collector	Do.	Do.
27	212-B	Suit for possession of the land or for compensation for wrongful dispossession.	Assistant Collector 1st Class.	Do.	Do.
28	213	Objection against the fixation of rent by Gaon Sabha.	Assistant Collector Incharge of Sub-division.	Do.	Do.
29	215	Suit for determination of rent and for arrears.	Do.	Do.	Do.
30	218	Suit for commutation of rent.	Do.	Do.	Do.
31	220	Application for recovery of arrears of rent and ejectment.	Tahsildar	Do.	Do.
32	222(5)	Suit for recovery of arrears of rent.	Assistant Collector 1st Class.	Commissioner	Board.
33	227	Suit for recovery of canal dues.	Tahsildar	Do.	Do.
34	229-B 229-C	Suit for declaration of rights	Assistant Collector 1st Class.	Do.	Do.
35	232	Application for restoration of possession by an <i>adivasi</i> whom clause (b) of Section 20 is applicable.	Assistant Collector Incharge of Sub-division.	Do.	Do.
36	233	Application for determination of the rent of <i>adivasi</i> .	Assistant Collector 1st Class.	Do.	Do.
37	233-A	Application for commutation of rent.	Assistant Collector	Do.	Do.
38	234	Suit for ejectment of <i>adivasi</i> .	Do.	Do.	Do.
39	244	Suit by a <i>bhumidhar</i> or <i>sirdar</i> for reimbursement of land revenue.	Assistant Collector 1st Class.	Do.	Do.
40	246(2)	Application for commutation of land revenue.	Assistant Collector	Do.	..
41	246(3)	Application for abatement of land revenue.	Assistant Collector Incharge of Sub-division.	Do.	..
42	250 251	Application for reduction or variation of land revenue.	Do.	Do.	..

UTTAR PRADESH SALES TAX (AMENDMENT) ACT, 1956

(U. P. ACT No. XIX OF 1956)

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*Authoritative English Text of the Uttar Pradesh Bikrikar (Sanshodhan)
Adhiniyam, 1956*

AN ACT

to amend the provisions of the U. P. Sales Tax Act, 1948

Whereas the U. P. Sales Tax Act, 1948 was amended by the U. P. Sales Tax (Amendment) Ordinance, 1956 for certain purposes ;

And whereas it is expedient to amend the U. P. Sales Tax Act, 1948 and also to replace the said Ordinance by an Act of the Legislature ;

It is hereby enacted in the Saventh Year of the Republic of India as follows :

Prefatory Note.—The Statement of Objects and Reasons runs as below :—

1. "The Taxation Enquiry Commission appointed by the Government of India in 1953 made certain recommendations regarding the pattern of sales tax for adoption by the State Governments. The State Government have considered the broad recommendations by the Commission including the proposal relating to the levy of a single point tax. It is, however, necessary before the single point system can be fully given effect to that there should be compulsory registration of dealers. But since the registration of dealers in the State may take some time and there may at the same time be no loss of revenue to the State it was found necessary to amend immediately the U. P. Sales Tax Act, 1948 with the object of raising some additional revenue within the existing framework of the Act. A more comprehensive amendment of the Act will be taken up in due course later.

2. The U. P. Sales Tax Act at present restricts the power of the State Government to levy sales tax on certain commodities. It also provides a maximum of three pies per rupee in cases where tax is payable at every point of sale. It is proposed to suitably amend the Act, and authorise the State Government to levy sales tax at enhanced rates, and further to levy it on certain commodities which are hitherto exempt. Opportunity is also being taken to reduce the limit of taxable turnover and to remove certain difficulties discovered in the course of the working of the Act. Further, some amendments have also been found necessary to overcome certain loopholes which have been causing loss of revenue to the Government.

3. The Bill is, therefore, introduced." Vide U. P. Gaz, Extra. dated April 26, 1956.

1. Short title, extent and commencement.—(1) This Act may be called the Uttar Pradesh Sales Tax (Amendment) Act, 1956.

(2) This section and the amendments to the U. P. Sales Tax Act, 1948 (hereinafter called the Principal Act) made by Sections 2 to 9 and 11 to 15

shall, subject as herein provided, have and be deemed to have effect on and from the 1st day of April, 1956, and Sections 10 and 16 shall have effect from such date as the State Government may by notification in the official *Gazette* appoint :

Provided that the amendments made by Sections 12 and 15 shall also apply in relation to assessments for any year before the 1st day of April, 1956, whether such assessments have or had at any stage been completed or not.

Note.—The Act was Passed in Hindi by the Uttar Pradesh Legislative Assembly on May 17, 1956 and by the Uttar Pradesh Legislative Council on May 21, 1956.

Received the assent of the President on May 26, 1956 under Article 201 of the Constitution of India and was published in the *Uttar Pradesh Gazette Extraordinary*, Dated May 28, 1956.

Published in the *Uttar Pradesh Gazette Extraordinary*, date May 28, 1956.

Note.—The Amendments made by this Act have already been incorporated in the principle Act printed on pages 2451—2472 of Vol. IV.

2. Amendment of Section 2 of U. P. Act XV of 1948.—Sub-clause (ii) of clause (i) of Section 2 of the Principal Act shall be deleted.

3. Amendment of Section 3 of U. P. Act XV of 1948.—For sub-section (1) of Section 3 of the Principal Act the following shall be substituted :

“(1) Subject to the provisions of this Act, every dealer shall, for each assessment year, pay a tax at the rate of three pies per rupee on his turnover of such year, which shall be determined in such manner as may be prescribed :

Provided that a dealer shall not, except as otherwise provided in Section 18, be liable to pay the tax if his turnover of the assessment year is less than Rs. 12,000, or such larger amount as may be prescribed in that behalf, unless he has sold any goods imported by him from outside Uttar Pradesh the turnover whereof is liable to tax under sub-section (1) of Section 3-A, in which case he shall be liable to pay tax on the turnover of such goods at the rate specified under sub section (2) of the said section, anything in this proviso as to the minimum amount of turnover notwithstanding :

Provided also that the State Government may, by notification in the official *Gazette*, enhance the rate of tax on the turnover in respect of any goods or class of goods so, however, that the rate does not exceed six pies per rupee, and may, likewise, reduce it, and the tax shall thereupon be payable on the relative turnover at the enhanced or reduced rate as may be applicable :

Provided further that where the amount prescribed under the first proviso is reduced during an assessment year, the tax payable as aforesaid by a dealer shall be computed as follows : that is to say—

- (a) on the turnover relateable to the period previous to the reduction, as though the amount had not been reduced, and
- (b) on the remainder, as though the reduced amount had been in force on all material dates”.

(2) Sub-section (2) of Section 3 of the Principal Act shall be deleted.

(3) Rule 7 of the U. P. Sales Tax Rules, 1948, published in the *Gazette Extraordinary*, dated August 26, 1948 under Finance Department Notification No. ST-926/X, dated August 21, 1948, shall be and is hereby deleted.

4. Amendment of Section 3-A of U. P. Act XV of 1948.—For sub-section (2) of Section 3-A of the Principal Act the following shall be substituted :

“(2) If the State Government makes a declaration under sub-section (1), it may further declare that the turnover in respect of such goods shall be liable to tax at such rate not exceeding one anna per rupee as may be specified”.

(3) Every notification made under this section shall be laid before the Legislative Assembly of the State as soon as may be after it is made and if a resolution amending or modifying it is passed by the Assembly within the Session in which it is laid, it shall, from the date of passing of the resolution, be amended or modified accordingly but without prejudice to the validity of anything previously done or of any liability incurred or assessment made.

5. *After* Section 3-A of the Principal Act, the following shall be added as a new Section 3-AA :

“Notwithstanding anything contained in Section 3 or 3-A, the turnover in respect of coal, iron and steel, raw jute, cotton, oilseeds or raw hides and skins, shall not be liable to tax except at the point of sale by a dealer to the consumer and the rate of tax shall not exceed three pies per rupee. Unless the dealer proves otherwise, a sale shall be presumed to be to a consumer.”

6. Amendment of Section 4 of U. P. Act XV of 1948.—*For* clause (a) of sub-section (1) of Section 4 of the Principal Act the following shall be substituted :

“(a) The sale of water, milk, salt, newspapers and motor spirit as defined in the U. P. Sale of Motor Spirit (Taxation) Act, 1939, and of any other goods which the State Government may by notification in the official Gazette exempt.”

(5) In clause (b) of the said sub-section (1) for the words “one thousand rupees” the words “four thousand rupees” shall be substituted.

7. Amendment of Section 7 of U. P. Act XV of 1948.—*For* sub-section (1) of Section 7 of the Principal Act the following shall be substituted :

“(1) Every dealer who is liable to pay tax under this Act shall submit such return or returns of his turnover at such intervals, within such period, in such form and verified in such manner, as may be prescribed ; but the assessing authority may in its discretion, for reasons to be recorded, extend the date for the submission of the return by any person or class of persons.”

8. Amendment of Section 7-A of U. P. Act XV of 1948.—*For* Section 7-A of the Principal Act, the following shall be substituted :

“(1) The State Government may require any dealer to submit a return of his turnover of a portion of the assessment year, and the assessing authority may, without prejudice to the provisions of Section 7, make a provisional assessment in respect of such portion of the assessment year in accordance with the provisions of this Act in so far as they may be applicable.

(2) Where the assessing authority has made a provisional assessment under sub-section (1), it shall not, by reason of such assessment, be precluded from re-determining the turnover and making the assessment for the whole year.”

9. Amendment of Section 7-B of U. P. Act XV of 1948.—*For* Section 7-B of the Principal Act following shall be substituted :

“7-B. Where during the course of an assessment year the rate of tax on the turnover of any goods or class of goods is varied, or an exemption in

respect thereof is granted or cancelled, the assessment, so far as it relates to the portion of such turnover for the period after the date of the variation, exemption or cancellation, shall be made on the basis of the rate so varied or the exemption so granted or cancelled.

10. *After Section 7-C of the Principal Act, add the following as a new Section 7-D :*

“7-D (1) Any dealer whose turnover in an assessment year does not exceed Rs. 15,000 may apply to the Assessing Authority to permit him to pay in lieu of the tax payable by him under this Act an amount by way of composition and the Assessing Authority shall, if he is satisfied that the turnover is not likely to exceed Rs. 15,000, fix the amount having regard to—

- (i) the likely turnover of the dealer,
- (ii) the rate or rates of the tax applicable thereto ; and
- (iii) such other matters as may be prescribed.

(2) If the dealer within 30 days of the date of the order of the Assessing Authority fixing the amount under sub-section (1) informs the Assessing Authority that he agrees to pay the same he shall not be assessed to tax in respect of such turnover but shall pay the amount and the provisions of this Act shall apply thereto as if it were a tax assessed under this Act.”

11. Amendment of Section 8-A of U. P. Act XV of 1948.—(1) *For sub-section (1) of Section 8-A of the Principal Act the following shall be substituted :*

“(1) Every dealer who is liable to pay tax under this Act, and

Every dealer who would but for any exemption made or granted under this Act be so liable, provided his turnover for the assessment year is Rs. 12,000, or such larger amount as may be prescribed under the first proviso to Section 3, shall apply for registration to the assessing authority in such form, in such manner and within such period as may be prescribed.

(1-A) The assessing authority may, after such enquiry as it considers necessary, allow the application and cause the dealer to be registered. The registration shall remain in force during the assessment year or the unexpired portion of the year for which it has been granted, but may, on the application of the dealer, be renewed for a period of one year at a time.

A fee of Rs. 10 shall be payable by the dealer for registration and for every renewal granted under the sub-section.”

(2) *After sub-section (4) of Section 8-A of the Principal Act the following shall be added as a new sub-section (5) :*

“(5) Where a dealer is found not liable to be assessed to tax by reason of his turnover being less than the amount specified in or under Section 3, or sub-section (1) or (2) of Section 18, but has realised any tax as such in respect of such turnover, he shall, notwithstanding anything contained in this Act, be liable to pay the same to the State Government and shall deposit it into the Treasury within 30 days of the date of the order by which he was found not so liable, unless it has already been so deposited”.

12. Amendment of Section 10 of U. P. Act XV of 1948.—*For sub-section (3) of Section 10 of the Principal Act, the following shall be substituted :*

“(3) (i) The Revising Authority may, for the purpose of satisfying itself that an order passed by any Appellate or Assessing Authority under this Act is according to law, on the application of the Commissioner of Sales Tax or the person aggrieved call for the case and pass such order with respect thereto as it thinks fit :

Provided that no such application shall be entertained in any case where an appeal lay against the order, but was not preferred.

(ii) The State Government may appoint any person qualified under clause (2) of Article 217 of the Constitution for appointment as Judge of a High Court to be an additional Revising Authority. The Additional Revising Authority shall exercise such powers of the Revising Authority as may be prescribed or assigned to him by the State Government either generally in any area or in respect of any class of cases”.

13. Amendment of Section 14 of U. P. Act XV of 1948.—*After clause (e) of Section 14 of the Principal Act the following shall be added as new clauses (f) and (g) :*

“(f) carries on business as a dealer without registration under and in accordance with Section 8-A or

(g) fails to file a declaration as required under sub-section (2) of Section 28 or files an incorrect declaration under that sub-section or prevents or obstructs the interception or search of any vehicle under and in accordance with sub-section (3) of Section 28”.

14. Amendment of Section 18 of U. P. Act XV of 1948.—*For Section 18 of the Principal Act the following shall be substituted :*

“18. (1) Every dealer discontinuing business during the course of an assessment year whose average monthly turnover for the portion of the year ending with the discontinuance of the business is not less than one-twelfth of Rs. 12,000 or of such larger amount as may be prescribed under the first proviso to Section 3, or who has sold during such period any goods imported by him from outside Uttar Pradesh on the turnover of which he is liable to tax under sub-section (1) of Section 3-A, shall, within 30 days of the expiry of the month in which the business is discontinued, give notice of the fact to the assessing authority, and shall also submit a statement of his turnover in such form and verified in such manner as may be prescribed.

Explanation.—The re-constitution of a firm or the transfer by a dealer of his business shall be deemed to be discontinuance of business within the meaning of this sub-section.

(2) Every dealer commencing business during the course of an assessment year whose average estimated monthly turnover for the remainder of the year is not less than one-twelfth of Rs. 12,000 or of such larger amount as may be prescribed under the first proviso to Section 3, or who has sold during such period any goods imported by him from outside Uttar Pradesh on the turnover of which he is liable to tax under sub-section (1) of Section 3-A, shall, within 30 days from the expiry of the month in which business was commenced, give notice of the fact to the assessing authority, and shall submit a statement of his turnover at such intervals, within such period, in such form and verified in such manner as may be prescribed.

(3) If the assessing authority, after such enquiry as it deems necessary, is satisfied that the return or returns submitted under sub-section (1) or (2) are correct and complete, and that the average monthly turnover is not less than the amount computed in accordance with sub-section (1) or (2), as the

case may be, or the dealer has sold any imported goods as specified in sub-section (1) or (2), it shall assess the dealer on the total turnover shown in the return or returns.

(4) If no return is submitted by a dealer under sub-section (1) or (2) within the period fixed therefor, or if any return submitted by him appears to be incorrect or incomplete, the assessing authority shall, after such enquiry as it deems necessary, determine to the best of its judgment the turnover of the dealer and may assess the tax, if any, payable, provided always that, if at the end of the assessment year, except where the dealer has sold any goods imported by him from outside Uttar Pradesh on the turnover of which he is liable to tax under sub-section (1) of Section 3-A, the average monthly turnover in case falling under sub-section (1) or (2) is found to be less than the amount specified therein, the tax paid shall be refunded, except to the extent the dealer is liable to deposit it under sub-section (4) or sub-section (5), as the cases may be of Section 8-A”.

15. Amendment of Section 21 of U. P. Act XV of 1948—*For* Section 21 of the Principal Act the following shall be and be always deemed to have been substituted :

“21. (1) If the assessing authority has reason to believe that the whole or any part of the turnover of a dealer has, for any reason, escaped assessment to tax for any year, the assessing authority may, after issuing notice to the dealer, and making such enquiry as may be necessary, assess or re-assess him to tax :

Provided that the tax shall be charged at the rate at which it would have been charged had the turnover not escaped assessment, or full assessment, as the case may be.

Explanation.—Nothing in this sub-section shall be deemed to prevent the assessing authority from making an assessment to the best of its judgment.

(2) No order of assessment under sub-section (1) or under any other provision of this Act shall be made for any assessment year after the expiry of four years from the end of such year :

Provided that where the notice under sub-section (1) has been served within such four years the assessment or re-assessment to be made in pursuance of such notice may be made within one year of the date of the service of the notice even if the period of four years is thereby exceeded :

Provided further that nothing contained in this section limiting the time within which any assessment or re-assessment may be made shall apply to an assessment or re-assessment made in consequence of, or to give effect to, any finding or direction contained in an order under Sections 9, 10 or 11.

Explanation.—Where the assessment proceedings relating to any dealer remained stayed under the orders of any Civil or other competent Court, the period during which the proceedings remained so stayed shall be excluded in computing the period of limitation for assessment provided under this sub-section.”

16. Establishment of Check Posts.—*After* Section 27 of the Principal Act the following shall be added as a new section :

“28. (1) The State Government may by notification in the official *Gazette*, set up and erect in such manner as may be prescribed, check-posts and barriers at any place in the State with a view to preventing evasion of sales tax and other dues payable under this Act,

(2) Every person transporting such goods as may be notified shall, at any check-post or barrier referred to in sub-section (1), file before such officer as may be authorised by the State Government in this behalf, a declaration in such form and in such manner as may be prescribed.

(3) The officer authorised by the State Government under sub-section (2) or any other officer who may be authorised in this behalf may, for the purpose of satisfying himself that the provisions of sub-section (2) are not being contravened, and subject to such restrictions as may be prescribed, intercept and search any vehicle which may be suspected of contravening the said provisions."

17. Repeal.—The U. P. Sales Tax (Amendment) Ordinance, 1956 is hereby repealed and the provisions of Sections 6 and 24 of the U. P. General Clauses Act, 1904, shall apply to it as if it had been an enactment repealed by an U. P. Act.

GORAKHPUR UNIVERSITY ACT, 1956

(U. P. Act No. XX of 1956)

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[*Authoritative English text of the Gorakhpur Vishwa Vidyalaya Adhiniyam, 1956*]

Whereas it is expedient to establish and incorporate a University at Gorakhpur it is hereby enacted in the sixth year of the Republic of India as follows :

Prefatory Note.—The Statement of Objects and Reasons runs as below:—

“There has been a persistent demand for the establishment of a University at Gorakhpur. The Gorakhpur University Foundation Society which includes members from several districts has been working actively to promote the idea and has collected considerable funds. It submitted a draft Bill as early as in 1950, which has been under the consideration of Government since. The establishment of a University at Gorakhpur with powers to affiliate colleges in the surrounding area will afford relief to the Agra University whose charge is admittedly too heavy for one University. It was intended to give the University a rural bias to suit the economic resources and problems of the area. The Bill, however, does not tie the University's hands in the matter and leaves it free to plan its work.

The Gorakhpur University Bill is introduced for consideration by the House.” Vide U. P. Gazette Extra. dated Jan. 16, 1956.

1. Short title and commencement.—(1) This Act may be called the Gorakhpur University Act, 1956.

(2) This Act shall come into force on such date as the State Government may by notification in the official *Gazette* appoint and different dates may be appointed for different provisions of this Act.

Note 1.—The Act was passed in Hindi by the Uttar Pradesh Legislative Assembly on May 19, 1956, and by the Uttar Pradesh Legislative Council on May 23, 1956.

Received the assent of the Governor on June 5, 1956, under Article 200 of the Constitution of India and was published in the *Uttar Pradesh Gazette (Extraordinary)*, dated June 9, 1956.

Published in the *Uttar Pradesh Gazette (Extraordinary)*, dated June 9, 1956.

Note 2.—All the provisions, except those of Section 49, of the Act, came into force w. e. f. Aug. 3, 1956 vide U. P. Govt. Notification No. C-3298/XV-55(7)-1956 dated August 3, 1956.

2. Definitions.—In this Act, unless there is anything repugnant in the subject or context,

- (a) “Affiliated College” means an institution affiliated to the University in accordance with the provisions of the Act and the Statutes;
- (b) “Constituent College” means an institution maintained by the University or by the State Government and authorized to conduct all teaching necessary for admission to degree or the diploma of the University;
- (c) “Court” means the Court of the University;
- (d) “Executive Council” and “Academic Council” mean respectively the Executive Council and the Academic Council of the University;
- (e) “Faculty” means a Faculty of the University;
- (f) “Governor” means the Governor of Uttar Pradesh;
- (g) “State Government” means the Government of Uttar Pradesh;
- (h) “Hall” means a unit of residence for students maintained or recognized by the University at which provision is made for imparting tutorial and other supplementary instruction;
- (i) “Hostel” means a unit of residence for students recognized or maintained by the University, other than a Hall;
- (j) “Management” means the Managing Committee or other body charged with managing the affairs of an affiliated College;
- (k) “Principal” means the head of an affiliated College or any person duly appointed to act as such;

- (l) "Prescribed" (with its cognate expressions) means prescribed by the Statutes;
- (m) "Registered Graduate" means a graduate registered under the provisions of this Act ;
- (n) "Statutes", "Ordinances" and "Regulations" mean respectively the Statutes, Ordinances and Regulations of the University made under this Act ;
- (o) "Student of the University" means a person enrolled in the University for taking a course of study for a degree, diploma or other academic distinction duly instituted but does not include a person enrolled in an affiliated college;
- (p) "Teachers" include Professors, Readers, Lecturers and other persons imparting instruction in the University or in any affiliated college or constituent college;
- (q) "Teacher of the University" means a person appointed and paid by the University for imparting instruction or conducting research in the University or a constituent college maintained by the University;
- (r) "University" means the University of Gorakhpur.

3. The University.—(1) The first Chancellor and the first Vice-Chancellor of the University and the first members of the Court, the Executive Council and the Academic Council and all persons who may hereafter become such officers or members, so long as they continue to hold such office or membership, are hereby constituted a body corporate by the name of "The University of Gorakhpur."

(2) The University shall have perpetual succession and a Common Seal, and shall sue and be sued by the said name.

(3) The University shall be deemed to have been incorporated for the purposes, among others, of making provision for imparting instruction in different branches of study, of furthering the prosecution of original research and of guiding and controlling the work of affiliated college situate within the area of the University.

4. Territorial exercise of powers.—Save as otherwise provided by or under this Act, the powers conferred on the University shall be exercisable in the area included at the commencement of this Act in the districts of Gorakhpur, Deoria, Basti, Azamgarh, Ballia, Ghazipur, Gonda, Bahraich and Jaunpur, but the State Government may by notification in the official *Gazette* add to it any other district or portion thereof :

Provided that a notification in this behalf shall not be made except with the previous approval of both Houses of the State Legislature.

5. U. P. Act VIII of 1926.—(1) All colleges situate in the districts mentioned in Section 4 which at the commencement of this Act are affiliated to the Agra University Act, 1926, shall, from such date as the State Government may by notification in the official *Gazette* appoint in this behalf, be deemed to be affiliated to the University.

(2) The University may with the approval of the State Government admit new colleges to the privileges of affiliation and enlarge the privileges of colleges already affiliated under and in accordance with the conditions laid down in the Statutes and the Ordinances :

Provided that no new colleges shall be established within a radius of ten miles from the Convocation Hall of the University.

(3) It shall not be lawful for the University to grant affiliation to any college for teaching for a post-graduate degree, and any affiliation in that behalf possessed by a college which is deemed to be affiliated to the University under sub-section (1) shall cease from a date to be appointed by the State Government by notification in the official *Gazette*.

6. Constituent College.—Constituent Colleges shall be those as may be named by the Statutes.

7. University open to all classes and creeds.—The University shall, subject to the provisions of this Act, the Statutes and the Ordinances, be open to all persons irrespective of class, or creed, but nothing in this section shall be deemed to require the University to admit to any course of study a larger number of students than may be determined by the Ordinances.

8. Powers of the University.—The University shall have the following powers :

(1) to provide for instruction in such branches of learning as the University may think fit, and to make provision for research and for the advancement and dissemination of knowledge ;

(2) subject to the provision of sub-sections (2) and (3) of Section 5 to affiliate colleges in the area of its jurisdiction and to guide and control their work ;

(3) to institute degrees, diplomas and other academic distinctions ;

(4) to hold examination for, and to grant and confer degrees, diplomas and other academic distinctions to, and on, persons, who—

(a) shall have pursued a course of study in the University or a College ; or

(b) shall have carried on research in the University or in an Institution recognized in this behalf by the University or independently, under conditions laid down in the Statutes and the Ordinances ;

(c) are teachers in educational institutions satisfying conditions prescribed in this behalf by the Ordinances or inspecting officers permanently employed in the Department of Education, U. P., and who shall have passed the examinations of the University under conditions laid down in the Statutes and the Ordinances ;

(d) are women and have carried on private study under conditions laid down in the Statutes ;

(e) are librarians of the University Library or of a Library belonging to a constituent or affiliated college under conditions laid down in the Statutes.

(5) to confer honorary degrees or other distinctions in the manner and under conditions laid down in the Statutes ;

(6) to grant such diplomas to, and to provide such lectures and instructions for, persons not being students of the University, as the University may determine ;

(7) to co-operate with other Universities and authorities in such manner and for such purposes as the University may determine ;

(8) to institute teaching posts required by the University and to appoint persons to such posts ;

(9) to recognize teachers for giving instruction in colleges and halls ;

(10) to prescribe the conditions of affiliation of colleges and to satisfy itself by periodical inspection and otherwise that the conditions are satisfied ;

(11) to institute and award fellowships (including travelling fellowships), scholarships, studentships and prizes in accordance with the Statutes and the Ordinances ;

(12) to institute and maintain halls and hostels and to recognize places of residence for students of the University and the colleges ;

(13) to demand and receive such fees and other charges as may be prescribed by the Ordinances ;

(14) to supervise and control the residence and to regulate the discipline of students of the University and the colleges and to make arrangements for promoting their health ;

(15) to create administrative, ministerial and other necessary posts and to make appointments thereto, and

(16) to do all such acts and things, whether incidental to the powers aforesaid or not, as may be requisite in order to further the objects of the University.

9. Visitation.—(1) The State Government shall have the right to cause an inspection to be made by such person or persons as it may direct, of the University, its buildings, laboratories and equipment and of any institution maintained by the University, and also of the examination, teaching and other work conducted or done by the University and to cause an enquiry to be made in like manner in respect of any matter connected with the administration and the finances of the University.

(2) The State Government shall in every case give notice to the University of its intention to cause an inspection or enquiry to be made, and the University shall be entitled to appoint a representative who shall have the right to be present and be heard at such inspection or enquiry.

(3) The State Government may address the Vice-Chancellor with reference to the result of such inspection and enquiry, and the Vice-Chancellor shall communicate to the Executive Council the views of the State Government with such advice as the State Government may offer regarding the action to be taken.

(4) The Executive Council shall communicate through the Vice-Chancellor to the State Government such action, if any, as it proposes to take or has taken upon the result of such inspection or enquiry.

(5) If the University Authorities do not, within a reasonable time, take action to the satisfaction of the State Government, the State Government may, after considering any explanation furnished or representation made by the said Authorities, issue such directions as it may think fit and the University Authorities shall be bound to comply with such directions.

10. Inspection of the affiliated colleges.—(1) The State Government may, whether on its own motion or on the recommendation of the Executive Council, cause an inspection to be made, by such person or persons as it may direct, of any affiliated college, its building, library,

laboratories or hostel and also of the teaching conducted by the college and to cause an inquiry to be made in like manner in respect of any matter connected with the college. The State Government shall, in every case, give notice to the University and to the college of its intention to cause an inspection or an inquiry to be made and the Executive Council of the University and the Management of the College shall be entitled each to appoint one representative who shall have the right to be present and be heard at such inspection or enquiry. The representative of the University may, if the State Government so desires, be included among the persons appointed to conduct the inspection or the inquiry.

(2) The State Government may communicate to the Management the result of such inspection or inquiry and advise it as to the action to be taken.

(3) Where the Management does not within a reasonable time take action to the satisfaction of the State Government, the State Government may, after considering any explanation furnished or representation made by the Management, issue such directions as it may think fit and the Management shall forthwith comply with such directions.

11. Officers and Authorities of the University.—The following shall be the Officers and Authorities of the University :

Officers of the University

- (i) The Chancellor,
- (ii) the Vice-Chancellor,
- (iii) the Treasurer,
- (iv) the Registrar,
- (v) the Dean of Student Welfare,
- (vi) the Deans of the Faculties, and
- (vii) such other persons in the service of the University as may be declared by the Statutes to be officers of the University.

Authorities of the University

- (i) The Court,
- (ii) the Executive Council,
- (iii) the Committee of Reference,
- (iv) the Academic Council,
- (v) the Boards of Faculties,
- (vi) the Selection Committees for the appointment of teachers,
- (vii) the Delegacy, and
- (ii) such other authorities as may be declared by the Statutes to be Authorities of the University.

12. The Chancellor.—(a) The Governor of Uttar Pradesh shall be the Chancellor of the University. He shall, by virtue of his office be the head of the University and the president of the Court and shall, when present, preside at meetings of the Court and at any Convocation of the University.

(b) The Chancellor shall have such other powers as may be conferred on him by this Act or the Statutes.

13. The Vice-Chancellor.—(1) The Vice-Chancellor shall be a whole-time officer of the University and shall be appointed by the Chancellor in the manner provided in this section.

(2) The emoluments and other conditions of service of the Vice-Chancellor shall be such as are prescribed and shall not be varied to his disadvantage after his appointment.

(3) The Vice-Chancellor shall hold office for a period of five years but may relinquish office by resignation in writing addressed to the Chancellor. The resignation shall ordinarily be delivered to the Chancellor sixty days prior to the date on which the Vice-Chancellor wishes to be relieved.

(4) No person who has at any time previously held the office of Vice-Chancellor of the University otherwise than in a vacancy referred to in sub-section (8) shall be eligible for reappointment.

(5) The Vice-Chancellor shall be appointed by the Chancellor from a panel of not less than three persons selected by a Committee in accordance with sub-section (6).

(6) The Committee referred to in clause (5) shall consist of three persons, one of whom, not being a person connected with the University, a Constituent College or an affiliated college, shall be nominated by the Executive Council, another appointed by the Chief Justice, High Court, Allahabad and the third appointed by the Chancellor. The nominee of the Chancellor shall be the Chairman of the Committee.

(7) Where a vacancy occurs or is likely to occur in the office of the Vice-Chancellor by reason of leave or any cause other than the expiry of the term the Registrar shall report the fact forthwith to the Chancellor. If the vacancy is or is likely to last for a period exceeding six months, the vacancy shall be filled, as far as may be, in accordance with the provisions of sub-sections (5) and (6).

(8) Until vacancy is filled under sub-section (7) the Registrar shall carry on the current duties of the office of Vice-Chancellor but he shall not preside at meetings of the University Authorities.

14. Powers and duties of the Vice-Chancellor.—(1) The Vice-Chancellor shall be the principal executive and academic officer of the University, and shall, in the absence of the Chancellor preside at meetings of the Court and at any convocation of the University. He shall be an *ex officio* Member and Chairman of the Executive Council and the Academic Council. He shall have the right to speak in and to take part in the proceedings of the meetings of any other Authority or Body of the University but shall not merely by virtue of this sub-section be entitled to vote thereat.

(2) It shall be the duty of the Vice-Chancellor to ensure the faithful observance of the provisions of this Act, the Statutes and the Ordinances and he shall, without prejudice to the powers of the Chancellor under Section 32 possess all such powers as may be necessary in that behalf.

(3) The Vice-Chancellor shall have power to convene meetings of the Court, the Executive Council and the Academic Council :

Provided that he may delegate this power to any other officer of the University.

(4) The Vice-Chancellor shall exercise general control over the affairs of the University, and the affiliated colleges and shall be responsible for the due maintenance of discipline in the University.

(5) The Vice-Chancellor may start disciplinary proceedings against any salaried officer or teacher of the University and may, wherever necessary, also place him under suspension. Where disciplinary proceedings have been started as aforesaid by the Vice-Chancellor and the case in his opinion—

- (a) is not such as may call for punishment by dismissal, removal, stoppage of increment, or reduction in emoluments he may pass such orders as he deems fit ;
- (b) is such as may call for a punishment as aforesaid, he shall hold an enquiry jointly with two other persons, appointed in the manner to be prescribed, one of whom is or has been Judge of a High Court.

(6) In any case in which enquiry has been held under clause (b) of sub-section (5), the Vice-Chancellor, shall upon conclusion of the inquiry submit the report to the Executive Council. If there is a difference of opinion among the Vice-Chancellor and the persons jointly holding the enquiry with him under clause (b) of sub-section (5) regarding the recommendation to be made in the report, the recommendation shall be expressed in terms of the views of the majority. The Executive Council shall thereupon pass orders according to the recommendations made in the report unless it differs therefrom in which case it shall refer the matter to the Chancellor with its recommendation and the Chancellor may then make such order as he deems just and proper.

(7) In any emergency which, in the opinion of the Vice-Chancellor requires immediate action to be taken he shall take such action as he deems necessary, and shall at the earliest opportunity, report the action taken to the officer, authority or other body who or which in the ordinary course would have dealt with the matter but nothing in this sub-section shall be deemed to empower the Vice-Chancellor to incur any expenditure not duly authorized and provided for in the budget.

(8) Where any action taken by the Vice-Chancellor under sub-section (5) (a) or (7) affects any person in the service of the University to his disadvantage such person may prefer an appeal to the Executive Council within thirty days from the date on which the action is communicated to him.

(9) Subject as aforesaid, the Vice-Chancellor shall give effect to the orders of the Executive Council regarding the appointment, suspension and dismissal of officers and teachers of the University.

(10) The Vice-Chancellor shall in convocation confer degrees on persons entitled to receive them provided that when the Chancellor is present he may himself confer any or all the degrees.

(11) The Vice-Chancellor shall exercise such other powers as may be prescribed by the Statutes and the Ordinances.

15. The Treasurer.—(1, The Treasurer shall be appointed by the Chancellor in the manner hereinafter appearing :

- (a) The Executive Council shall, so far as may be, at least thirty days before the date on which a vacancy is due to occur in the office of the Treasurer and also whenever so required by the Chancellor submit to the Chancellor the name or names of not more than three persons suitable to hold the office of Treasurer.

(b) Where the name or names proposed in the Executive Council for submission to the Chancellor under clause (a) do not exceed three in number the Council shall submit all such names, but if the number exceeds three the Council shall, out of the names so proposed, elect three names according to the system of proportional representation by means of the single transferable vote.

(c) Where one name only has been submitted by the Executive Council the Chancellor shall appoint the person whose name has been so submitted. In other cases, the Chancellor shall appoint one of the persons whose names have been submitted by the Executive Council under clause (b).

(2) The term of office of the Treasurer shall be six years, but he shall notwithstanding the expiry of the term continue in office until a successor has been appointed. He shall receive such remuneration (if any), from the funds of the University as may be prescribed by the Statutes.

(3) The provisions relating to resignation, conditions of service other than emoluments, the filling of temporary vacancies and arrangements for the carrying on of current duties contained in sub sections (2), (3), (7) and (v) of Section 13 shall *mutatis mutandis* apply to the office of Treasurer.

(4) The Treasurer shall be an *ex-officio* member of the Executive Council and shall manage the property and investments of the University and advise in regard to its financial policy. He shall be responsible for the presentation of annual estimates (in this Act called the budget), and statement of accounts.

(5) The Treasurer shall have the duty—

- (i) to ensure that no expenditure not authorized in the budget is incurred by the University (otherwise than by way of investment), and
- (ii) to disallow any expenditure which may contravene the terms of any Statute or Ordinance, or for which provision is required to be made by Statutes or Ordinances but has not been so made.

16. The Registrar.—(1) The Registrar shall be a whole-time officer of the University and shall be appointed by the Executive Council on the recommendation of a Selection Committee consisting of the following, namely—

- (i) the Vice-Chancellor ;
- (ii) an educationist nominated by the Chancellor, and
- (iii) the Chairman of the Public Service Commission, Uttar Pradesh, or a member thereof nominated in this behalf by the Chairman.

(2) The salary and allowances payable to the Registrar shall be prescribed by the Ordinances.

(3) The Registrar shall be responsible for the due custody of the records and the Common Seal of the University. He shall be *ex-officio* Secretary of the Court, the Executive Council, the Academic Council, the Finance Committee, the Selection Committees and the Committee of Reference and shall be bound to place before these bodies all such information as may be necessary for the transaction of business. He shall perform such other duties

as may be prescribed or required, from time to time, by the Executive Council or the Vice-Chancellor.

(4) He shall conduct the examinations and make all other arrangements necessary therefor and be responsible for the due execution of all processes connected therewith.

(5) The Registrar shall not be offered nor shall he accept any remuneration for any work in the University save such as may be provided for by the Statutes and the Ordinances.

17. The Court.— (1) The Court shall consist of the following :

Class I—Ex-officio members :

- (i) The Chancellor, the Vice-Chancellor, the Treasurer and such other officers of the University as may be prescribed ;
- (ii) such Ministers of the Government of Uttar Pradesh as may be prescribed ;
- (iii) The Director of Education and such officers of the State Government and such other persons with reference to the offices held by them as may be prescribed ;
- (iv) Members of the Executive Council.

Class II—Life members :

- (v) The first President of the Gorakhpur University Foundation Society ;
- (vi) Such persons as may be appointed by the Chancellor to be life members on the ground that they have rendered eminent service to the University or to the cause of learning ;
- (vii) All persons who have held the office of Vice-Chancellor in the University for one complete term ;
- (viii) All persons who have made donations either to the Gorakhpur University Foundation Society or to the University of such amount as may be prescribed in this behalf.

Class III :

- (ix) Representatives of such Teachers as may be prescribed ;
- (x) Representatives of the supervisory staff of residential units and extra-mural activities ;
- (xi) Representatives of the Managements of the Colleges.

Class IV :

- (xii) Representatives of the Registered Graduates as may be prescribed.

Class V—Donors and their representatives :

- (xiii) Persons who may be entitled by the Statute to be members for a specified period by virtue of their donation to the University ;
- (xiv) Representatives of person, associations or bodies of individuals who may be entitled by the Statutes to representation by virtue of having made to or for the purposes of the University donations or annual contribution of such amounts as may be prescribed.

Class VI :

- (xv) Persons not exceeding five in number to be nominated by the State Government to represent industries, commerce, agriculture, learned bodies and learned professions of the region.

Class VII—Representatives of the Legislature of Uttar Pradesh :

- (xvi) Two members of the Legislative Council of the State to be elected by it.
- (xvii) Five members of the Legislative Assembly of the State to be elected by it.

Class VIII :

- (xviii) Nominees, not exceeding eight of the Chancellor.

Class IX :

- (xix) Two persons elected by the Gorakhpur University Foundation Society from amongst its members :

Provided that this item shall cease to have effect on the expiry of the first term of the Court and any representation thereunder shall similarly cease with effect from that date.

(2) The number of members who may be in the service of the University, a constituent college or affiliated college, a hall or a hostel, shall not ordinarily exceed the number of the other members.

(3) The number of members of each class except classes I and II, the manner of appointment, election or nomination and the term shall, save as otherwise provided in this Act, be such as may be prescribed.

(4) The Court may declare vacant the seat of a member, other than an *ex-officio* or life member, who has absented himself from three consecutive meetings of the Court without sufficient cause.

18. Meetings of Court.—(1) The Court shall, on a date to be fixed by the Vice-Chancellor meet once a year at a meeting to be called the annual meeting of the Court.

(2) The Vice-Chancellor may, whenever he thinks fit, and shall upon a requisition in writing signed by not less than thirtyfive members of the Court, convene a special meeting of the Court.

19. Powers and duties of the Court.—Subject to the provisions of this Act, the Court shall have power to review such acts of the Executive and Academic Councils as are not in accordance with this Act, the Statutes or the Ordinances and shall exercise all the powers of the University not otherwise provided for by this Act or the Statutes. In particular it shall exercise the following powers and perform the following duties :

- (a) of making Statutes and of amending and repealing the same ;
- (b) of considering and cancelling Ordinances, and
- (c) of considering and passing resolutions on the annual report, the annual accounts, the budget and any matter of general policy relating to University education and administration.

20. The Executive Council.—(1) The Executive Council shall be the executive body of the University and shall consist of—

- (i) the Vice-Chancellor ;
- (ii) the treasurer ;
- (iii) Deans of the Faculties ;
- (iv) the Dean of Student Welfare ;
- (v) one Principal of an affiliated college ;
- (vi) two teachers of the University other than Heads of Departments ;

- (vii) five persons to be elected in the manner prescribed by the Court from among such members as are not in the service of the University, a college, a hall or a hostel;
- (viii) three persons nominated by the Chancellor;
- (ix) one representative of Maharana Pratap Shiksha Parishad, Gorakhpur to be elected by the Parishad from amongst its members.

(2) The provision of head (ix) of sub-section (1) shall not take effect till the Maharana Pratap College, Gorakhpur has been declared a constituent college in accordance with this Act.

(3) The manner of selection of members under heads (v) and (vi) shall be prescribed.

(4) The term of office of members other than *ex officio* members shall be three years.

21. Powers and duties of the Executive Council.—(1) Subject to the provisions of this Act and the Statutes, the Executive Council shall have the following powers and duties, namely—

- (a) to hold and control the property and funds of the University and issue any general directives in that behalf;
- (b) to accept the transfer of any movable or immovable property on behalf of the University;
- (c) to administer any funds placed at the disposal of the University for specific purposes;
- (d) to prepare the budget of the University;
- (e) to award fellowships, scholarships, bursaries, medals and other rewards in accordance with the Statutes and Ordinances;
- (f) to appoint the officers, teachers and other servants of the University, to define their duties and the conditions of their service and to provide for the filling of casual vacancies in their posts;
- (g) to appoint examiners and to direct the holding of examinations and publication of results;
- (h) subject to the previous sanction of the Chancellor to grant affiliation to a college for teaching for specified degrees and to withdraw such affiliation;
- (i) to arrange for and direct the inspection of colleges halls, hostels and other places of residence of students;
- (j) to direct the form and use of the Common Seal of the University;
- (k) to regulate and determine all matters concerning the University in accordance with this Act, the Statutes and the Ordinances, and to exercise such powers as may be conferred or imposed on it by this Act and the Statutes.

(2) The Executive Council shall not exceed the limits of recurring and non-recurring expenditure to be incurred in each financial year as determined by the Committee of Reference.

(3) The Executive Council shall not take any action in regard to the number, qualifications and emoluments of teachers and the appointment of, and the fees payable to, examiners except after considering the advice of the Academic Council and the Boards of Faculties concerned.

(4) The Executive Council shall give due consideration to the resolutions of the Court and take such action thereon as it shall deem fit and report it to the Court. Where, in any case, the Executive Council is unable to take action in accordance with any resolution it shall inform the Court of its reasons therefor.

(5) The Executive Council may, subject to conditions to be laid down in the Statutes, delegate such of its powers as it deems fit to an officer or Authority of the University.

22. The Committee of Reference.—(1) The Committee of Reference shall consist of—

(i) the Vice-Chancellor ;

(ii) the Treasurer ;

(iii) three members of the Court, not being members of the Executive Council, to be elected according to the system of proportional representation by means of the single transferable vote, of whom one shall be a teacher of the University and the other two shall be persons not in the service of the University, a college, a hall, or a hostel ;

(iv) two persons to be nominated by the State Government.

(2) The Vice-Chancellor shall be the Chairman and the Registrar shall be the Secretary of the Committee.

(3) The Committee of Reference shall, having regard to the income and resources of the University, fix limits for the total recurring and total non-recurring expenditure for the ensuing year, and shall perform such other functions as may be prescribed by this Act or the Statutes.

(4) The Committee of Reference may, for any special reason, revise, during the financial year, the limits of expenditure fixed, by it under subsection (3).

23. The Academic Council.—(1) The Academic Council shall be the academic body of the University and shall, subject to the provisions of this Act, the Statutes and the Ordinances, have the control and general regulation of, and be responsible for the maintenance of standards of instruction, education and examination and for research in the University, and shall exercise such other powers and perform such other duties as may be conferred or imposed upon it by the Statutes. It shall have the right to advise the Executive Council on all academic matters.

(2) The constitution of the Academic Council and the term of office of its members shall be prescribed.

24. The Faculties.—(1) The University shall include such Faculties as may be prescribed.

(2) Each Faculty shall comprise such departments of teaching as may be prescribed. Subjects of study shall be assigned to various departments by the Ordinances.

(3) There shall be a Board of each Faculty the constitution and powers of which shall be prescribed.

(4) There shall be a Dean of each Faculty who shall be chosen in such manner and for such period as may be prescribed.

(5) The Dean shall be the Chairman of the Board of the Faculty and be responsible for the due observance of the Statutes, Ordinances and Regula

tions relating to the Faculty. He shall be further responsible for the organization and conduct of the teaching and research work of the departments comprised in the Faculty.

(6) There shall be a Head in each Department of teaching who shall be responsible to the Dean for the organization of teaching in the Department. The senior-most Professor of a Department shall be the Head of the Department, and where there is no Professor in a Department the senior-most Reader thereof shall be the Head.

(7) The duties, powers and functions of the Heads of Departments shall be prescribed by the Ordinances.

(8) There shall be established Committees of Courses and Studies each in respect of one or more subjects of study. The constitution of the Committees shall be prescribed by the Ordinances.

25. The Delegacy.—There shall be a Delegacy to supervise the arrangements relating to the residence, health and welfare of students of the University not residing in or under the care of any Hall or Hostel. The constitution, powers and duties of the Delegacy shall be prescribed.

26. The Boards.—The University shall constitute such Boards as may be prescribed. The constitution, powers and functions of the Boards shall be laid down in the Ordinances.

27. Manner of appointment of officers and members of Authorities.—(1) Save where expressly provided to the contrary, officers and members of the Authorities of the University shall, as far as may be, be chosen by methods other than election.

(2) Where provision is made in this Act or the Statutes for any appointment by rotation or according to seniority or other qualification, the manner or rotation and determination of seniority and other qualification shall be prescribed.

28. Appointment of teachers.—(1) Subject to the provisions of this Act and except as provided in sub-section (2) teachers of the University shall be appointed by the Executive Council on the advice of the Selection Committee concerned. Teachers of the affiliated colleges shall, subject to the provisions of sub-section (4) be appointed by the management in the manner prescribed.

(2) Every teacher appointed under sub-section (1) shall in the first instance, be on probation for such period as may be prescribed and he shall not be confirmed—

(a) if he is a teacher of the University except by the order of the Executive Council after considering the reports of the Vice-Chancellor and the Head of the Department and the Dean concerned, and

(b) if he is a teacher of an affiliated college, except by the order of the management after considering the report of the senior teacher of the subject and the Principal of the College.

(3) The Executive Council may make officiating appointments in a vacancy caused by the grant of leave to an incumbent for a period not exceeding ten months without reference to the Selection Committee but shall not fill any other vacancy or post likely to last for more than six months without such reference.

(4) Every decision to make a substantive appointment of a teacher in an affiliated college, not being maintained exclusively by the State Government, shall be reported by the Management to the Vice-Chancellor within fifteen days from the date thereof with all the application and connected papers. If the Vice-Chancellor after obtaining the concurrence of the Selection Committee concerned disapproves of an appointment it shall be terminated by the Management as soon as may be but not later than the date of expiry of the period of probation.

(5) There shall be a Selection Committee for appointment of teachers in each subject of study.

(6) The constitution, powers and functions of the Selection Committees and the procedure to be followed in making appointments shall be prescribed.

29. Supplementary provisions relating to membership.—(1) All casual vacancies among the members (other than *ex-officio* members) of any Authority or body of the University shall be filled, as soon as conveniently may be, by the person or body who appointed, elected or co-opted the member whose place has become vacant, and the person appointed, elected or co-opted to a casual vacancy shall be a member of such Authority or body for the residue of the term for which the person whose place he fills would have been a member.

(2) A person who is a member of an Authority of the University as a representative of another body, whether of the University or outside, shall retain his seat on the University Authority so long as he continues to be member of the body by which he was appointed or elected and thereafter till his successor is duly appointed.

30. Proceeding of University authorities and bodies not to be invalidated by vacancies.—No act or proceeding of any Authority or other body of the University shall be invalidated merely by reason of the existence of a vacancy or vacancies among its members or by reason of some person having taken part in the proceedings who is subsequently found not to have been entitled to do so.

31. Removal from membership of the University.—(1) The Court may on the recommendation of not less than two-thirds of the members of the Executive Council remove the name of any person from the register of Registered Graduates.

(2) The Court may remove any person from membership of any Authority or Board of the University upon the ground that such person has been convicted of an offence which, in the opinion of the Court, is an offence involving moral turpitude or upon the ground that he has been guilty of scandalous conduct or has behaved in a manner unbecoming of a member of the University, and may upon the same grounds withdraw from any person, any degree, diploma, or certificate conferred or granted by the University.

32. Membership and proceedings.—If any question arises whether any person has been duly elected or appointed as, or is entitled to be, a member of any Authority or other body of the University, or whether any decision of the University or any Authority thereof is in conformity with this Act, the Statutes and the Ordinances, the matter shall be referred to the Chancellor whose decision thereon shall be final.

33. Constitution of Committees.—Where any authority of the University is given power by this Act or by the Statutes to appoint committees, such committees shall, unless there is some special provision to the contrary, consist of members of the Authority concerned.

34. Affiliated Colleges.—(1) The conditions of affiliation of a college shall be such as may be laid down by the Executive Council.

(2) It shall be lawful for an affiliated college to make arrangements with any other affiliated colleges situated in the same place, or with the University for co-operation in the work of teaching.

(3) Except as provided by this Act, the management of an affiliated college shall be free to manage and control the affairs of the college and be responsible for its maintenance and upkeep. The Principal of every such college shall be responsible for the due maintenance of discipline therein.

(4) Every affiliated college shall furnish such reports, returns and other particulars as the Executive Council may call for on its own motion or at the instance of the Academic Council.

(5) The Executive Council shall cause every affiliated college to be inspected from time to time at intervals not exceeding five years by one or more persons authorized by it in this behalf.

(6) The Executive Council may call upon an affiliated college so inspected to take within a specified period such action as may appear to it to be necessary.

(7) The affiliation of a college which fails to comply with the directions of the Executive Council or to fulfil the conditions of affiliation may be withdrawn in accordance with the provisions of the Statutes.

35. Pension or Provident fund.—(1) The University shall constitute, for the benefit of its officers, teachers, clerical staff and other employees in such manner and subject to such conditions as may be prescribed, such pension, insurance and provident funds as it may deem fit.

(2) Where any such provident fund has been so constituted or where a provident fund has been constituted by a College under rules which have been approved by the Chancellor the Chancellor may declare that the provisions of the Provident Funds Act, 1925, shall apply to such fund as if it were a Government Provident Fund.

36. Except in cases provided for by the Statutes every salaried officer and teacher of the University or of an affiliated college, as the case may be, shall be appointed under a written contract. The contract shall be lodged with the Registrar of the University or with the Management of the college concerned also and a copy thereof shall be furnished to the officer or teacher concerned. The contract shall not be inconsistent with the provisions of this Act, the Statutes and the Ordinances for the time being in force in relating to the conditions of service.

37. Tribunal of Arbitration for disputes between the University and its staff.—Any dispute arising out of contract between the University and any officer or teacher of the University shall, on the request of the officer or teacher concerned be referred to a Tribunal of Arbitration consisting of one member nominated by the Executive Council, one member nominated by the officer or teacher concerned and an umpire appointed by the Chancellor. The decision of the Tribunal shall be final, and no suit shall lie in any civil court in respect of the matters decided by the Tribunal.

Every such request shall be deemed to be a submission to arbitration upon the terms of this section within the meaning of the Arbitration Act, 1940 and all the provisions of that Act, with the exception of Section 2 thereof, shall apply accordingly.

38. Tribunal of Arbitration for disputes between affiliated colleges and their staff.—Any dispute arising out of a contract between an affiliated college and any teacher of the said college shall, on the request of the teacher concerned be referred to a Tribunal of Arbitration consisting of one member nominated by the Management, one member nominated by the teacher concerned and an umpire appointed by the Vice-Chancellor. The decision of the Tribunal shall be final, and no suit shall lie in any civil court in respect of the matters decided by the Tribunal. Every such request shall be deemed to be a submission to arbitration upon the terms of this section within the meaning of the Arbitration Act, 1940, and all the provisions of that Act, with the exception of Section 2 thereof, shall apply accordingly.

39. Statutes.—Subject to the provisions of this Act, the Statutes may provide for any matter and shall in particular provide for the following—

- (a) the constitution, powers and duties of the Authorities of the University ;
- (b) the election, appointment and continuance in office of the members of the Authorities of the University including the continuance in office of the first members, and the filling in of vacancies and all other matters relative to these Authorities for which it may be necessary or desirable to provide ;
- (c) the designation, manner of appointment, powers and duties of the officers of the University ;
- (d) the classification and manner of appointment of teachers ;
- (e) the constitution of a pension or provident fund and the establishment of an insurance scheme for the benefit of officers, teachers and other employees of the University ;
- (f) the institution of degrees and diplomas ;
- (g) the conferment of honorary degrees ;
- (h) the withdrawal of degrees, diplomas, certificates and other academic distinctions ;
- (i) the establishment, amalgamation, sub-division and abolition of Faculties ;
- (j) the establishment of departments of teaching in the Faculties ;
- (k) the establishment and abolition of halls and hostels maintained by the University ;
- (l) the condition under which college and other institutions may be affiliated to the University and be liable to the withdrawal of affiliation ;
- (m) the institution of fellowships, scholarships, studentships, medals and prizes ;
- (n) the maintenance of a Register of Registered Graduates ; and
- (o) all other matters which by this Act are to be or may be provided for by the Statutes.

40. Statutes how made.—(1) The first Statutes shall be made by the State Government and a copy thereof shall be laid before each House of the

State Legislature for ten days and they shall be subject to such additions and alterations as may be agreed to by both Houses but without prejudice to the validity of anything previously done thereunder.

(2) The Court may, from time to time, make new or additional Statutes and may amend or repeal the Statutes in the manner hereinafter in this section provided.

(3) The Executive Council may propose to the Court the draft of any Statute to be passed by the Court, and such draft shall be considered by the Court at its next meeting :

Provided that the Executive Council shall not propose the draft of any Statutes or of any amendment of a Statute affecting the status, powers or constitution of any existing Authority of the University until such Authority has been given an opportunity to express its opinion upon the proposal, and any opinion so expressed shall be considered by the Court.

(4) The Court may approve any such draft as is referred to in sub-section (3) and pass the Statute or reject it or return it to the Executive Council for reconsideration, either in whole or in part, together with any amendments which it may suggest.

(5) Any member of the Court may propose to the Court the draft of any Statute and the Court may either accept or reject the proposal or refer such draft for consideration to the Executive Council, which may either report to the Court that it does not accept the proposal or submit the draft to the Court in such form as the Executive Council may approve, and the provisions of this section shall apply in the case of a draft so submitted as they apply in the case of a draft proposed to the Court by the Executive Council.

(6) A new Statute or addition to the Statutes or any amendment or repeal of a Statute shall require the previous approval of the Chancellor who may sanction, disallow or remit it for further consideration.

41. Ordinances.—(1) Subject to the provisions of this Act and the Statutes, the Ordinances may provide for any matter permitted by this Act or the Statutes to be provided for by Ordinances and for any other matter which the Executive Council considers it advisable to provide for by Ordinances,

(2) Without prejudice to the generality of the power conferred by sub-section (1), the Ordinances shall provide for the following matters, namely,—

- (a) the admission of students to the University and their enrolment and continuance as such ;
- (b) the courses of study to be laid down for all degrees and diplomas of the University ;
- (c) the conditions under which students shall be admitted to the degree, diploma or other courses and to the examinations of the University, and shall be eligible for the award of degrees and diplomas ;
- (d) the conditions of residence of the students of the University and the levying of fees for residence in halls and hostels maintained by the University ;
- (e) the recognition and management of halls and hostels not maintained by the University ;

- (f) the number, qualifications, emoluments and other conditions of service (including the age of retirement) of teachers and salaried officers of the University, and the preparation and maintenance of a record of their service and activities ;
- (g) the fees which may be charged by the University for any purpose ;
- (h) the conditions subject to which persons may be recognized as qualified to give instruction in colleges, halls and hostels ;
- (i) the conditions and mode of appointment and the duties of examining bodies ; examiners and moderators ;
- (j) the conduct of examinations ;
- (k) the remuneration and allowances, including travelling and daily allowances, to be paid to persons employed on the business of the University ;
- (l) the conditions of the award of fellowships, scholarships, studentships, bursaries, medals and prizes ;
- (m) all other matters which by this Act or by the Statutes are required to be or may be provided for by the Ordinances.

42. Ordinances how made.—(1) Save as otherwise provided in this section, Ordinances shall be made by the Executive Council and shall have effect from such date as the Council may direct :

Provided that no Ordinance shall be made—

- (a) affecting the income or expenditure of the University unless a draft of such Ordinance has been submitted to the State Government and the State Government does not object ; or
- (b) affecting the admission of students, or laying down the further qualifications mentioned in sub-section (1) of Section 43 for admission to the degree courses of the University, unless a draft of the same has been proposed by the Academic Council ; or
- (c) affecting the conditions and mode of appointment and duties of examiners and the conduct or standard of any examination or course of study, except in accordance with a proposal of the Boards of the Faculty or Faculties concerned and unless a draft of such Ordinance has been proposed by the Academic Council in the prescribed manner ; or
- (d) affecting the conditions of residence of students, except after compliance with such conditions as may be prescribed.

(2) The Executive Council shall not have power to amend any draft proposed by the Academic Council under sub-section (1) but may reject it or return it to the Academic Council for reconsideration, either in whole or in part, together with any amendments which the Executive Council may suggest.

(3) All Ordinances made by the Executive Council shall be submitted forthwith, to the Chancellor and the Court, and shall be considered by the Court at its next meeting. The Court shall have power by a resolution passed by a majority of not less than two-thirds of the members present at such meeting to cancel any such Ordinance and such Ordinance shall, from the date of such resolution, be void.

(4) The Chancellor may, at any time after any Ordinance has been considered by the Court, signify to the Court and the Executive Council his

disallowance of such Ordinance, and from the date of receipt by the Executive Council of intimation of such disallowance, such Ordinance shall become void.

(5) The Chancellor may direct that the operation of any Ordinance shall be suspended until he has had an opportunity of exercising his power of disallowance. An order of suspension under this sub-section shall cease to have effect on the expiration of one month from the date of such order, or on the expiration of fifteen days from the date of consideration of the Ordinance by the Court whichever period expires later.

(6) Where the Executive Council has rejected the draft of an Ordinance proposed by the Academic Council, the Academic Council may appeal to the Court which after obtaining the views of the Executive Council, may, if it approves the draft, make the Ordinance and submit it to the Chancellor.

43. Regulations.—(1) The Authorities and the Boards of the University may make Regulations consistent with this Act, the Statutes and the Ordinances—

- (a) laying down the procedure to be observed at their meetings and the number of members required to form a quorum ;
- (b) providing for all matters which by this Act, the Statutes or the Ordinances are to be provided by the Regulations ; and
- (c) providing for any other matters solely concerning such Authorities and Boards and not provided for by this Act, the Statute and the Ordinances.

(2) Every authority of the University shall make Regulations providing for the giving of notice to the members of such Authority of the dates of meetings and of the business to be considered at meetings and for the keeping of a record of the proceedings of meetings.

(3) The Executive Council may direct the amendment in such manner as it may specify, of any Regulations made under this section or the annulment of any Regulation made under sub-section (1) by any Authority of the University other than the Court :

Provided that any Authority or Board of the University which is dissatisfied with any such direction may appeal to the Chancellor, who, after obtaining the views of the Executive Council, may pass such orders as he thinks fit.

(4) The Academic Council may, subject to the provisions of the Ordinances, make Regulations providing for courses of study for the various examinations and degrees of the University after receiving drafts of the same from the Board of the Faculty concerned.

The Academic Council may not alter a draft received from the Board of a Faculty but may reject the draft received or return it to the Board for further consideration together with its own suggestions.

44. Admission of Students.—(1) Students shall not be eligible for admission to a course of study for a degree unless they have passed the Intermediate Examination of the Board of High School and Intermediate Education, U. P. or of an Indian University or Board incorporated by any law for the time being in force, or an examination recognized by the University as equivalent thereto and possess such further qualifications, if any as may be prescribed by the Ordinances.

(2) The University shall not, save with the previous sanction of the Chancellor, recognize (for the purposes of admission to a course of study for

a degree), as equivalent to its own degrees, any degree conferred by any other University, or as equivalent to the Intermediate Examination of the Board of High School and Intermediate Education, U. P. any examination conducted by any other Authority.

45. Residences of Students—(1) The halls and hostels shall be such as may be maintained by the University or be approved and recognized by the Executive Council on such general or special conditions as may be prescribed by the Ordinances. The halls and hostels maintained by the University shall be named in the Statutes.

(2) The wardens and other staff of the halls and hostels shall be appointed in the manner prescribed by the Ordinances.

(3) The Executive Council shall have power to suspend or withdraw the recognition of a hostel or hall which is not conducted in accordance with the prescribed conditions :

Provided that no such action shall be taken without affording the Management of such hall or hostel an opportunity of making such representation as it deem fit.

46. Examinations.—(1) Subject to the provisions of this Act and the Statutes, all arrangements for the conduct of examinations shall be made by the Academic Council in such manner as may be laid down by or under this Act.

(2) If any examiner is for any cause incapable of acting as such, the Vice-Chancellor shall appoint an examiner to fill the vacancy. Every such appointment shall be reported to the Executive Council.

(3) As nearly as possible one-half of the number of examiners appointed in each subject prescribed for a degree, shall be persons not in the service of the University or College.

(4) The Board of each Faculty shall appoint an Examination Committee for every subject assigned to the Faculty. The Committee shall consist of such persons as the Board may, subject to the approval of the Academic Council, appoint from among its own members or from outside. The Committee shall have power to moderate question papers set for examination, review the quality of the work submitted by candidates for examination, report on the standard of attainment and make recommendations in regard to any of these matters. Any review, report or recommendation made by the Committee shall be laid before the Academic Council for its consideration.

47. Annual-Report.—The Annual report of the University shall be prepared under the direction of the Executive Council, and shall be submitted to the Court a month before the annual meeting at which it shall be considered. The Court may pass resolutions thereon and communicate the same to the Executive Council.

48. Accounts and Audit.—(1) The Annual Accounts and balance-sheet of the University shall be prepared under the direction of the Executive Council, and all moneys accruing to or received by the University from whatever source and all amounts disbursed or paid shall be entered in the accounts.

(2) A copy of the accounts and the balance-sheet shall be submitted to the State Government which shall cause an audit to be carried out by auditors of high standing.

(3) The accounts when audited shall be printed and copies thereof shall together with copies of the audit report be submitted by the Executive Council to the Court and the State Government.

(4) It shall be lawful for the State Government to require any person who is found to have spent or authorized the expenditure of funds in excess of the amounts provided in the budget or in violation of any provision of this Act, the Statutes or the Ordinances, to reimburse the amount so spent and the State Government may take all such steps as may be deemed necessary :

Provided that the State Government shall before requiring any person as aforesaid give him a reasonable opportunity of making a representation.

(5) The Executive Council shall also prepare, before such date as may be prescribed, the budget for the ensuing year.

(6) Every item of new expenditure, of or above such amount as may be prescribed which it is proposed to include in the budget shall be referred by the Executive Council to the Committee of Reference which may make recommendations thereon,

(7) The Executive Council shall, after considering the recommendations (if any), of the Committee of Reference, submit the budget as finally approved by it to the Court with such recommendations.

(8) The annual accounts and the budget shall be considered by the Court at its annual meeting and the Court may pass resolutions with reference thereto and communicate the same to the Executive Council :

Provided that where there has been a disagreement between the Executive Council and the Committee of Reference upon any item of expenditure referred to it under sub section (6), the decision of the Court thereon shall be final.

(9) Except in so far as such expenditure is incurred out of funds accruing under clause (c) of sub-section (1) of Section 21, it shall not be lawful for the Vice-Chancellor or the Executive Council to incur any expenditure not sanctioned in the Budget.

Transitory Provisions

49. Vesting of Property, etc.—(1) From the commencement of this Act, all property, movable and immovable, and all rights, powers and privileges of the Gorakhpur University Foundation Society, Gorakhpur, which immediately before the commencement of this Act, belonged to or were vested in the said Society shall vest in the University, and shall be applied to the objects and purposes for which the University is incorporated.

(2) From the commencement of this Act, all debts and liabilities of the said Society shall be transferred and attached to the University, and shall thereafter be discharged and satisfied by the University.

(3) Any will, deed or other document, whether made or executed before or after the commencement of this Act, which contains any bequest, gift or trust in favour of the said Society, shall, on the commencement of this Act, be construed as if the University were therein named, instead of the said Society.

50. Savings.—Notwithstanding anything contained in this Act, the Statutes or the Ordinances—

(a) any student of a College who immediately prior to the commencement of this Act was studying for a degree of the Agra University shall be permitted to complete his course in preparation therefor and the University and the College shall provide for the instruction and examination of such student in accordance with the prospectus of studies of that University, and

- (b) any such student may until such examination is provided be admitted to the examination of the Agra University and be conferred the degree of the University for which he qualifies on the result of such examination.

51. Appointment of first Vice-Chancellor.—Notwithstanding the provisions in sub-sections (5) and (6) of Section 12, the first Vice-Chancellor may at any time after this Act is first published in the official *Gazette* be appointed by the Chancellor after consulting three representatives to be chosen by the Gorakhpur University Foundation Society.

52. Certain other provisions.—(1) At any time after the passing of this Act and until such time as the Authorities of the University shall have been duly constituted—

- (a) the Treasurer may be appointed by the Chancellor ;
- (b) any other officers of the University may be appointed by the Vice-Chancellor with the previous sanction of the Chancellor ;
- (c) teachers of the University may be appointed by the Chancellor after considering the recommendations of an Advisory Committee for each subject which shall consist of the Vice-Chancellor and three experts in the subject, chosen by the Chancellor out of persons whose names shall be obtained by him from the academic bodies of any Indian Universities.

(2) All appointments made under sub-section (1) shall be on probation for two years :

Provided that in the case of Professors and Readers the period of probation shall be one year and in special cases the Chancellor may reduce the period of probation.

53. Removal of difficulties.—(1) The State Government may, for the purpose of removing any difficulties, in relation to the enforcement of the provisions of this Act, by order published in the *Gazette*—

- (a) direct that this Act, and any Statutes made thereunder shall during such period as may be specified in the order take effect subject to such adaptations, whether by way of modification, addition or omission, as it may deem to be necessary or expedient ; or
- (b) direct by whom and in what manner the powers, duties and functions exercisable or dischargable under this Act by an Officer or Authority of the University shall be exercised and discharged till such Officer or Authority is duly constituted ; or
- (c) make such other temporary provisions for the purpose of removing any such difficulty, as it may deem to be necessary or expedient :

Provided that no such order shall be made after twentyfour months from the date of the commencement of this Act.

(2) No order made under sub-section (1) shall be questioned in any Court of Law on the ground that no difficulty as is referred to in the said sub-section existed or was required to be removed.

THE UTTAR PRADESH SUGARCANE (REGULATION OF SUPPLY AND PURCHASE) (AMENDMENT) ACT, 1956

(U. P. ACT No. XXI OF 1956)

CONTENTS

Sections

1. Short title and commencement.
2. Amendment of Section 12 of U. P. Act XXIV of 1953.

Sections

3. Amendment of Section 15 of U. P. Act XXIV of 1953.

[As passed by Uttar Pradesh Legislature]

AN ACT

to amend the Uttar Pradesh Sugarcane (Regulation of Supply and Purchase) Act, 1953

Whereas it is expedient to amend the Uttar Pradesh Sugarcane (Regulation of Supply and Purchase) Act, 1953, for the purpose hereinafter appearing :

It is hereby enacted as follows in the fifth year of the Republic of India.

Note.—The English translation of the Act was published in U. P. Gaz. Extra. dated June, 23 1956. The Act received the assent of the President on June 21, 1956.

1. Short title and commencement.—(1) This Act may be called the Uttar Pradesh Sugarcane (Regulation of Supply and Purchase) (Amendment) Act, 1954.

(2) It shall come into force at once.

2. Amendment of Section 12 of U. P. Act XXIV of 1953.—In subsection (1) of Section 12 of the Uttar Pradesh Sugarcane (Regulation of Supply and Purchase) Act, 1953 (hereinafter called the Principal Act) between the words “season” and “as” the words “or crushing seasons” shall be inserted.

3. Amendment of Section 15 of U. P. Act XXIV of 1953.—In subsection (1) of Section 15 of the Principal Act for the words “a particular crushing season” the words “one or more crushing seasons as may be specified” shall be substituted.

THE U. P. SUGARCANE CESS ACT, 1956

(U. P. ACT No. XXII OF 1956)

CONTENTS

Sections

1. Short title, extent and commencement.
2. Definition.
3. Imposition of cess.
4. Penalties.
5. Institution of proceedings.
6. Special powers of Magistrate.

Sections

7. Protection of action taken under the Act.
8. Determination of occupier for the purpose of this Act.
9. Repeal.
10. Rules.

[Authoritative English text of the Uttar Pradesh Ganna Upkar Adhiniyam, 1956]

AN ACT

to amend and consolidate the law relating to imposition of cess on sugarcane intended for use, consumption in or sale to a factory

Whereas it is expedient to amend and consolidate the law relating to imposition of cess on sugarcane intended for use and consumption in or sale to a factory.

It is hereby enacted as follows in the Seventh Year of the Republic of India.

Prefatory Note.—The Statement of Objects and Reasons runs as below :—

The law relating to imposition of cess on cane intended for consumption or use in and sale to a factory is contained in Section 20 of the U. P. Sugarcane (Regulation of Supply and Purchase) Act, 1953. Earlier this provision existed in Section 29 of the Sugar Factories Control Act, 1938, the validity of which has been doubted. The cess has now continued to be levied for over 17 years and it is considered expedient that the law relating to its imposition should, with such modifications as have been found necessary, be consolidated in a separate enactment, and doubts about the validity removed.

This Bill is accordingly introduced. Vide U. P. Gaz. Extra. dated April 24, 1956.

1. Short title, extent and commencement.—(1) This Act may be called the U. P. Sugarcane Cess Act, 1956.

(2) It extends to the whole of Uttar Pradesh.

(3) This section shall come into force at once, and the provisions of Sections 2, 3 and 5 to 8 shall be deemed to have come into force on and from the 26th day of January, 1950.

Note.—The Act was passed in Hindi by the Uttar Pradesh Legislative Assembly on May 2, 1956, and by the Uttar Pradesh Legislative Council on May 8, 1956.

Received the assent of the President on June 21, 1956, under Article 201 of the Constitution of India and was published in the *Uttar Pradesh Gazette Extraordinary*, dated June 23, 1956.

Published in the *Uttar Pradesh Gazette Extraordinary*, dated June 23, 1956.

2. Definition.—In this Act, unless there is anything repugnant in the subject or context the words and expressions—

(a) “Appointed Date” means the date on which this Act is first published in the official *Gazette*.

(b) “Cane”, “Cane Commissioner”, “Factory”, “Occupier of a factory” and “State Government” shall have the meanings assigned to them in the Sugarcane (Regulation of Supply and Purchase) Act, 1953.

(c) “Owner of a factory” will include occupier of a factory and the person, by whatever name called, who has ultimate control over the affairs of the factory.

3. Imposition of cess.—(1) The State Government may by notification in the official *Gazette* impose a cess not exceeding four annas per maund on the entry of the cane into the premises of a factory for use, consumption or sale therein :

Provided that the State Government may likewise remit in whole or in part such cess in respect of cane used or to be used in factory for any limited purpose specified in the notification.

Explanation.—If the State Government, in the case of any factory situate outside Uttar Pradesh, so declare, any place in Uttar Pradesh set apart for the purchase of cane intended or required for use, consumption or sale in such factory shall be deemed to be the premises of the factory.

(2) The cess imposed under sub-section (1) shall be payable by the owner of the factory and shall be paid on such date and at such place as may be prescribed.

(3) Any arrear of cess not paid on the date prescribed under sub-section (2) shall carry interest at 6 per cent per annum from such date to date of payment.

(4) The State Government may, for the purpose of assessment and collection of the cess appoint officers and authorities and may also prescribe the manner in which the cess shall be assessed and collected.

(5) Where any person is in default in making the payment of the cess, the officer or authority empowered to collect the cess may direct that in addition to the amount of the arrears and interest a sum not exceeding 10 per cent thereof shall by way of penalty be recovered from the person liable to pay the cess.

(6) The officer or authority empowered to collect the cess may forward to the Collector a certificate under his signature specifying the amount of arrears including interest due from any person, and on receipt of such certificate the Collector shall proceed to recover the amount specified from such person as if it were an arrear of land revenue.

(7) Any sum imposed by way of penalty under sub-section (5) shall be recoverable in the manner provided in sub-section (6) for the recovery of the arrears of cess.

4. Penalties.—If any person defaults in the payment of cess imposed under sub-section (1) of Section 3, or, contravenes any provision of any rule made under this Act, he shall without prejudice to his liability therefor under sub-section (5) of Section 3 be liable to imprisonment up to six months or to a fine not exceeding rupees five thousand or both and in the case of continuing contravention to a further fine not exceeding rupees one thousand for each day during which the contravention continues.

5. Institution of proceedings.—(1) No prosecution shall be instituted under this Act except upon complaint made by or under authority from the Cane Commissioner or the District Magistrate.

(2) On the application of a person accused of an offence under this Act, the Cane Commissioner or with the previous concurrence of the Cane Commissioner the District Magistrate may at any stage compound such offence by levying a composition fee not exceeding rupees five thousand.

(3) No court inferior to that of a Magistrate of the second class shall try any offence against this Act or any rule made thereunder.

6. Special powers of Magistrate.—Notwithstanding anything contained in Section 32 of the Code of Criminal Procedure, 1898, it shall be lawful for a Magistrate of the First Class specially empowered by the State Government in this behalf and trying any case under this Act or any rule made thereunder to pass a sentence of fine not exceeding five thousand rupees on any person convicted for any offence under this Act.

7. Protection of action taken under the Act.—(1) No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done in pursuance of any Order or rule made under this Act.

(2) No suit or other legal proceeding shall lie against the State Government for any damage caused or likely to be caused by anything which is in good faith done or intended to be done in pursuance of any rule made under this Act.

8. Determination of occupier for the purpose of this Act.—(1) Where the owner of a factory is a firm or other association of individuals, any one or more of the partners or members thereof would be the owner for the purpose of the Act and may be prosecuted and punished as such for any offence under the Act.

(2) Where the owner of a factory is a public company, any one or more of the directors thereof, or, in the case of a private company any one or more of the shareholders thereof may be prosecuted and punished under this Act for any offence for which the owner of the factory is punishable.

9. (1) Section 20 of the Sugarcane (Regulation of Supply and Purchase) Act, 1953, is hereby repealed.

(2) Without prejudice to the general application of Section 24 of the U. P. General Clauses Act, 1904, every notification imposing cess issued and every assessment made (including the amount of cess collected) under or in pursuance of any such notification, shall be deemed a notification issued, assessment made and cess collected under this Act as if Sections 2, 3 and 5 to 8 had been in force at all material dates.

(3) Subject as provided in clause (1) of Article 20 of the Constitution every notification issued, cess imposed and act or thing done or omitted between the 26th day of January, 1950 and the Appointed Date in exercise or the purported exercise of a power under Section 29 of the U. P. Sugar Factories Control Act, 1938, or of Section 20 of the U. P. Sugarcane (Regulation of Supply and Purchase) Act, 1953, which would have been validly and properly issued, imposed, done or omitted if the said sections had been as Section 3 of this Act, shall in law be deemed to be and to have been validly and properly imposed and done, any judgment, decree or order of any court notwithstanding.

10. (1) The State Government may make rules for carrying out the provisions of the Act.

(2) Without prejudice to the generality of the foregoing power, such rules may provide for—

(a) the manner and the form in which certificate may be forwarded to the Collector under sub-section (5) of Section 3 ;

(b) collecting any information or statistics for the purposes of this Act ;

(c) the form and the manner in which any return shall be prepared and furnished ;

(d) the matters which are to be and may be prescribed.

(3) The power to make rules under sub-sections (1) and (2) shall include the power to make rules with retrospective application so however that the rules so made shall not have effect prior to twenty-sixth day of January, 1950.

(4) All rules made under this Act shall be laid before the State Legislature, as soon as may be, after they are made and shall be subject to such omissions, alterations and additions as the Legislature may make in the session they are so laid :

Provided that any rule having retrospective application shall not come into force until fourteen days after its copy has been laid on the table of the Legislative Assembly.

U. P. SUGARCANE CESS RULES, 1956

(Published under Notification No. 58825/XVIII-C-1685-56 dated Nov. 24, 1956, and published in U. P. Gaz. dated Dec. 1, 1956 Pt. 1-A, pp. 1827-1830.

1. Short title and commencement.—(i) These Rules may be called the Uttar Pradesh Sugarcane Cess Rules, 1956.

(ii) These Rules shall come into force at once, but the provision of Rules 2, 3, 5 and 9 shall be deemed to have come into force on and from the 26th January, 1950.

2. Definitions.—In these rules unless there is anything repugnant in the subject or context—

(a) “Act” means the Uttar Pradesh Sugarcane Cess Act, 1956.

(b) “Assessing Officer” means the Officer appointed by the State Government under sub-section (4) of Section 3 of the Act for the purpose of assessment of cess.

(c) “Collecting Officer” means the officer appointed by the State Government under sub-section (4) of Section 3 of the Act for the purpose of collection of cess.

(d) “Form” means a form appended to these rules.

3. Maintenance of accounts.—The owner of a factory shall maintain a correct account day to day in Form I of the cane which enters the premises of the factory.

4. Payment of cess.—The amount due as cess on the quantity of sugarcane which enters the premises of a factory for use, consumption or sale therein during the first fortnight of each calendar month shall be deposited by the owner of the factory in the Government treasury by the twenty-second day of that month and the amount of cess similarly due for the remainder of that month shall be deposited in the Government treasury before the seventh day of the next following month.

5. Return of cane and cess.—(1) The owner of a factory shall submit to the Assessing Officer before the twenty-fifth day of each calendar month return in Form II showing the quantity of cane that entered the premises of the factory during the first fortnight of that month and the amount of cess due under the Act and deposited by him under rule 4 in respect of that cane, together with the treasury receipt indicating the deposit. A return shall similarly be submitted in respect of the remainder of the calendar month before the tenth day of the next following month.

(2) The owner of the factory shall also send, before the respective dates mentioned in sub-rule (1) a copy of the relevant return referred to in that sub-rule to the Cane Commissioner and another copy to such other Officer as the Cane Commissioner may specify in writing.

6. Scrutiny of return.—(1) The Assessing Officer shall on receipt of a return submitted to him under rule 5 (1) ascertain that the amount of cess has been correctly stated.

(2) If the Assessing Officer finds that the cess has not been correctly stated, he shall, after giving the owner of the factory an opportunity to be heard, determine the correct amount of cess and shall inform the owner of the factory of such amount.

7. **Report of cess due.**—Before the fifteenth day of the each calendar month the Assessing Officer shall send to the Collecting Officer a statement in Form III showing the name of factory, the amount of cane cess due paid and the balance, if any, remaining unpaid in respect of the month immediately preceding.

8. **Impositions of penalty.**—On the receipt of a statement under rule 7, the Collecting Officer may, after giving an opportunity to the owner of the factory to show cause why a penalty be not imposed on him under sub-section (5) of Section 3 of the Act and upon being satisfied that there is no sufficient cause for non-payment of the cess in time, impose, subject to the provision of the said sub-section, such penalty as he thinks fit.

9. **Notice of Demand.**—The Collecting Officer or such other officer as may be specified by him in writing in this behalf may serve upon the owner of the factory a notice of demand in Form IV requiring such owner to deposit in a Government treasury within a period to be specified in the notice the arrears of cess with interest thereon due under the Act and the amount of penalty, if any imposed under sub-section (5) of Section 3 of the Act and to forward the treasury receipt to the officer issuing the notice.

10. **Form of certificate under Section 3 (6) of the Act.**—The certificate to be forwarded by the Collecting Officer to the Collector under sub-section (6) of Section 3 of the Act shall be in duplicate and in Form V and shall specify the amount of arrears of cane cess and interest together with the amount of penalty, if any, imposed under sub-section (5) of Section 3 of the Act.

11. **Report of realization by Collector.**—One copy of the certificate sent under rule 10 shall after making necessary entries therein, be returned to the Collecting Officer soon after the amount, as specified therein, had been realized.

12. **Collection of further information and Statistics.**—The Assessing Officer and the Collecting Officer may collect such other information and shall for such other statements and returns from the owner of the factory or any other person as may be necessary for carrying out the purposes of the Act and the Rules.

FORM I

(Rule 3)

Name of the factory—

Quantity of cane which entered into the premises of the factory [maunds]

Date	Carts	Lorries	Trams	Rail	Others	Total

Date—

Signature of the owner of the factory.

FORM IV

(Rule 9)

Notice of demand

Under rule 9 of the Uttar Pradesh Sugarcane Cess Rules, 1956.

Sri———, the owner of the———, is hereby required to deposit, within a period of———the following sums toward arrears of cane cess etc., in a Government treasury and forward the treasury receipt to be undersigned.

- | | | | |
|--|----|----|--------|
| 1. Arrears of cess for the period | .. | .. | Rs.——— |
| 2. Interest | .. | .. | Rs.——— |
| 3. Penalty imposed under sub-section (5) of Section 3 of the Act | .. | .. | Rs.——— |

Total ..

It may be noted that in the event of non-compliance with this notice the amount or part thereof remaining unpaid shall be recovered as arrears of land revenue.

Dated———

Collecting Officer.

FORM V

(Rules 10 and 11)

Office of the Collecting Officer, Uttar Pradesh.

No.——— Dated, Lucknow, ———195.

Certificate

[Under sub-section (6) of Section 3 of the Uttar Pradesh Sugarcane Cess Act, 1956].

Certified that the following amount is due from the owner of——— as arrears of cane cess etc., for the period———

Cane Cess——— Rs.———

Interest——— Rs.———

Total——— Rs.———

(In words) Rupees-

Forwarded to the Collector——— for necessary action.

Collecting Officer.

To be filled by the Collector :

(i) Total amount recovered : Rs.———

(ii) Balance, if any, to be recovered :Rs.———

(iii) Date of recovery :———

(iv) Number and date of Treasury Challan depositing the money———

Office of the Collector———

No.

dated

Forwarded to the Collecting Officer

Collector.

THE UTTAR PRADESH STORAGE REQUISITION (CONTINUANCE OF POWERS) (AMENDMENT) ACT, 1956

(U. P. ACT No. XXIII OF 1956)

CONTENTS

Sections

1. Short title and commencement.
2. Continuance of U. P. Act No. XXI of

Sections

1955.

[Authoritative English Text of the Uttar Pradesh Bhandar Adhigrahan (Adhikaron ko Banaye Rakhne ka Sanshodhan) Adhiniyam, 1956]

AN ACT

to provide for the continuance of the Uttar Pradesh Storage Requisition Act, 1955

Whereas the Uttar Pradesh Requisition Act, 1955, will expire on 30th day of June, 1956.

And whereas it is expedient to provide for the continuance of the said Act :

It is hereby enacted in the Seventh Year of the Republic of India as follows :

Prefatory Note.—The Statement of Objects and Reasons runs as below :—

“The Uttar Pradesh Storage Requisition Act, 1955, (U. P. Act No. XXI of 1955) empowering State Government to requisition storage accommodation for foodgrains and foodstuffs will expire on June 30, 1956.

The overall food position has not yet stabilized to the extent as to be free from all anxieties. Recently there have been sharp rise in the prices of foodgrains and instead price-support purchases foodgrains have been released in KABAL towns for regulated distribution at specified prices. It is likely that these releases of foodgrains may have their effect felt in reducing the price level and purchases may have to be undertaken once again in the advent of the Rabi Crop.

Thus under conditions of such uncertainty and with the object of continuing the existing powers to requisition storage accommodation, if and when necessary, the life of the aforesaid Act is being proposed to be extended for two years. The Uttar Pradesh Storage Requisition (Continuance of Powers) (Amendment) Bill, 1956, is accordingly introduced.” Vide U. P. Gaz. Extra. dated May 5, 1956.

1. Short title and commencement.—(1) The Act may be called the Uttar Pradesh Storage Requisition (Continuance of Powers) (Amendment) Act, 1956.

(2) It shall come into force at once.

Note.—The Act was passed in Hindi by the Uttar Pradesh Legislative Council on May 8, 1956, and by the Uttar Pradesh Legislative Assembly on May 22, 1956.

Received the assent of the President on June 21, 1956, under Article 201 of the Constitution of India and was published in the *Uttar Pradesh Gazette Extraordinary*, dated June 25, 1956.

Published in the *Uttar Pradesh Gazette Extraordinary*, dated June 25, 1956.

2. Continuance of U. P. Act No. XXI of 1955.—In sub-section (4) of Section 1 of the Uttar Pradesh Storage Requisition Act, 1955, for the figure “1956” the figure “1958” shall be substituted.

THE U. P. CONSOLIDATION OF HOLDINGS (THIRD AMENDMENT) ACT, 1956

(U. P. Act No. XXIV OF 1956)

CONTENTS

<i>Section</i>	<i>Section</i>
1. Short title and commencement.	12. Amendment of Section 20 of U. P. Act V of 1954.
2. Amendment of section 3 of U. P. Act V of 1954.	13. Amendment of Section 27 of U. P. Act V of 1954.
3. Amendment of Section 5 of U. P. Act V of 1954.	14. Amendment of Section 28 of U. P. Act V of 1954.
4. Amendment of Section 8 of U. P. Act V of 1954.	15. Amendment of Section 29 of U. P. Act V of 1954.
5. Amendment of Section 10 of U. P. Act V of 1954.	16. Insertion of a new Section 29-A in U. P. Act V of 1954.
6. Amendment of Section 10-A of U. P. Act V of 1954.	17. Amendment of Section 33 of U. P. Act V of 1954.
7. Amendment of Section 10-B of U. P. Act V of 1954.	18. Amendment of Section 42 of U. P. Act V of 1954.
8. Amendment of Section 11 of U. P. Act V of 1954.	19. Amendment of Section 48 of U. P. Act V of 1954.
9. Amendment of Section 12 of U. P. Act V of 1954.	20. Amendment of Section 52 of U. P. Act V of 1954.
10. Amendment of Section 15 of U. P. Act V of 1954.	52. Close of consolidation operations.
11. Insertion of new Sections 16-A and 16-B in U. P. Act V of 1954.	21. Amendment of Section 54 of U. P. Act V of 1954.

AN ACT

to amend the U. P. Consolidation of Holdings Act, 1953, for certain purposes

Whereas it is expedient to amend the U. P. Consolidation of Holdings Act, 1953 for the purposes herein after appearing :

It is hereby enacted in the Sixth Year of the Republic of India as follows :

1. Short title and commencement.—(1) This Act may be called the U. P. Consolidation of Holdings (Amendment) Act, 1956.

(2) It shall come into force at once.

2. Amendment of Section 3 of U. P. Act V of 1954.—In the Explanation under clause (2) of Section 3 of U. P. Consolidation of Holdings Act, 1953 (hereinafter referred to as the Principal Act), after sub-clause (ii) the following shall be added as a new sub-clause (iii) ;

“(iii) land mentioned in Section 132 of the U. P. Zamindari Abolition and Land Reforms Act, 1950, but not being pasture land.”

3. Amendment of Section 5 of U. P. Act V of 1954.—For the existing Section 5 of the Principal Act, the following shall be substituted :

“5. When the declaration under Section 4 has been published in the *Gazette*, the consequences as hereinafter set forth shall, from the date specified thereunder till the publication of the notification under Section 52

in the official *Gazette* to the effect that the consolidation operations have been closed, ensue in the area to which the declaration relates, namely :

- (a) the district or the local area, as the case may be, shall be deemed to be under consolidation operations from the specified date, and the duty of preparing and maintaining the *Khasra* and the Annual Register under Chapter III of the U. P. Land Revenue Act, 1901, shall stand transferred to the Settlement Officer (Consolidation) ; and
- (b) all proceedings for the correction of any such records pending before any court or authority shall be stayed but without prejudice to the right of the persons affected to agitate the question before the Assistant Consolidation Officer under sub-section (3) of Section 8, or in proceedings commenced under and in accordance with Section 10."

4. Amendment of Section 8 of U. P. Act V of 1954.—In sub-section (3) of Section 8 of the Principal Act, between the words "correct" and "the" the words "the map or" shall be inserted.

5. Amendment of Section 10 of U. P. Act V of 1954.—For the existing Section 10 of the Principal Act the following shall be substituted :

"10. Revision of records or resurvey.—(1) Upon the receipt of the recommendation under sub-section (2) (b) of Section 8 or otherwise, the State Government may publish a notification in the official *Gazette* declaring that a general or partial revision of the records or resurvey or both shall be made ; and thereupon a revised map and *khasra* and record of rights shall be prepared for the village or villages concerned in accordance with the provisions of Chapter IV of the U. P. Land Revenue Act, 1901, as if a notification had been issued under Section 48 of the said Act in respect thereof.

(2) The district or the local area shall be held to be under record or survey operations or both as the case may be from the date of the notification until the issue of another notification declaring the operations to be closed therein."

6. Amendment of Section 10-A of U. P. Act V of 1954.—In sub-section (1) of Section 10-A of the Principal Act for the words "after the publication of the notification under Section 4 but before the publication of the Annual Register under Section 9 or of the notification under Section 10 as the case may be" the words "within fifteen days of the publication of the Annual Register under Section 9 or, as the case may be, of the notification under sub-section (2) of Section 10 where a declaration has been made regarding the revision of records" shall be substituted.

7. Amendment of Section 10-B of U. P. Act V of 1954.—For the existing Section 10-B the following shall be substituted :

10-B. Amalgamation of holdings.—It shall be lawful for any tenure-holder entitled to a holding to have the holding amalgamated with the holding of any other tenure-holder on such terms as may be agreed upon between them. The tenure-holder may in the manner and within the period to be prescribed make an application to that effect to the Consolidation Officer who shall in so far as it may be practicable having regard to the general scheme of consolidation give effect to the same."

8. Amendment of Section 11 of U. P. Act V of 1954.—In Section 11 of the Principal Act—

(1) for Clauses (a) and (b) of sub-section (1) the following shall be substituted :

(a) a map showing division or grouping of land in each village in distinct blocks which will not exceed three in number and which will be demarcated after taking into account the following factors :

- (i) the kind and number of crops grown in the village ;
- (ii) the existence or absence of irrigational facilities ;
- (iii) the quality of soil ;
- (iv) such other factors as may be found necessary.

(b) a list of all plots whether or not comprised in the holding of any tenure-holder, showing where necessary—

- (i) the area of each plot ;
- (ii) the soil classification of the plots determined in the manner prescribed in consultation with the Consolidation Committee ;
- (iii) sanctioned rent rates for the soil classes at the last Settlement, Roster or revision operations whichever is latest, as and where amended by the Settlement Officer (Consolidation) in the manner prescribed in consultation with the Consolidation Committee ;

(iv) the rental value of each plot ;

(v) such other particulars as may be prescribed ;

(c) a list of all plots of each tenure-holder showing—

- (i) the areas excluded from consolidation ;
- (ii) the areas under consolidation in each block with its soil class and rental value determined in accordance with clause (b) ;
- (iii) the rent or revenue calculated in the manner prescribed ;
- (iv) the total area, rental value and rent for his share ;
- (v) such other particulars as may be prescribed :

(2) for sub-section (2) the following shall be substituted :

“(2) The statement shall be published in the village along with a notice calling upon all persons interested to file objections if any, disputing the correctness or nature of entry in the statement or pointing out any omission therefrom. A copy of the notice together with relevant extracts, from the statement shall also be served, in the manner prescribed, on each tenure-holder in the village.”

9. Amendment of Section 12 of U. P. Act V of 1954.—In Section 12 of the Principal Act—

(1) for sub-section (1) the following shall be substituted :

“(1) Every person interested in disputing the correctness or nature of an entry in the statement published under Section 11 or pointing out

any omission therefrom shall within thirty days of the publication of the statement under sub-section (2) of Section 11, file objection if any, on the statement before the Assistant Consolidation Officer in the manner prescribed."

(2) for the existing sub-section (5) the following shall be substituted—

"(5) Upon the publication of the statement under Section 11, all suits or proceedings in the Court of first instance, appeal, reference or revision, in which the question of title in respect of any plot mentioned in the statement with reference to clause (c) of sub-section (1) of Section 11 has been raised, shall be stayed to the extent it relates to such plot and shall thereafter be disposed of in the manner prescribed."

(3) After sub-section (6) the following shall be added as a new sub-section (7)—

"(7) A question of title in respect of any plot mentioned in the statement in clause (c) of sub-section (1) of Section 11, which might and ought to have been raised under sub-section (1) but had not been raised, shall not be raised in any objection filed under sub-section (2) of Section 20, or under sub-section (1) of Section 34."

10. Amendment of Section 15 of U. P. Act V of 1954.—In Section 15 of the Principal Act—

(1) for sub-section (1) the following shall and be deemed always to have been substituted—

"(1) The Assistant Consolidation Officer shall, in preparing the statement of principles under Section 14, have regard to the following principles :

(a) the allotment of plots shall be made on the rental value thereof :

Provided that the area of the plots proposed to be allotted shall not differ in any case except with the permission of the Director of Consolidation, by more than 20 per cent from the area of the original plots ;

(b) as far as possible, only those tenure-holders shall get land in any particular block who already held land therein and the number of chaks to be allotted to each tenure-holder excluding areas earmarked for abadi and those reserved for public purposes shall not exceed the number of blocks in the village except with the permission of the Director of Consolidation of Holdings ;

(c) every tenure-holder is, as far as possible, allotted land at the place where he holds the largest part of Holdings ;

(d) the tenure-holders belonging to the same family shall, as far as possible, be given neighbouring chaks ;

(e) the location of the residential house of the tenure-holder or improvement, if any, made by him shall, as far as possible, be taken into account in allotting chaks ;

(f) small tenure-holders shall, as far as possible, be given land near the village abadi ;

(g) an existing compact holding or farm which is $6\frac{1}{4}$ acres or more in area, shall not, as far as possible, be disturbed or divided."

(2) after sub-section (1) of Section 15, the following shall be inserted as sub-section (1-A) of Section 15.

"(1-A) No consolidation whether made before or after the commencement of the U. P. Consolidation of Holdings (Amendment) Act, 1956 shall be or be deemed to be invalid by reason merely that the number of chaks allotted to tenure-holder exceeded the number of blocks in the village."

11. Insertion of new Sections 16-A and 16 B in U. P. Act V of 1954.—After Section 16 of the Principal Act the following shall be added as new Sections 16-A and 16-B :

"16-A. Prohibition of transfer during consolidation operations.—(1) After the publication of the statement under Section 16 and until the issue of a notification under Section 52, a tenure-holder shall not, except with the permission in writing of the Settlement Officer (Consolidation) previously obtained, transfer by way of sale, gift or exchange any plot or share in any holding included in the scheme of consolidation notwithstanding anything contained in the U. P. Zamindari Abolition and Land Reforms Act, 1950.

(2) The Settlement Officer shall grant the permission referred to in sub-section (1) unless for reasons to be recorded in writing he is satisfied that the proposed transfer is likely to defeat the scheme of consolidation.

16-B. Prohibition of use of land for purposes other than agriculture, etc. during consolidation operations.—(1) After the publication of notification under Section 4 and until the publication of a notification under Section 52, no tenure-holder shall notwithstanding anything contained in Section 142 of the U. P. Zamindari Abolition and Land Reforms Act, 1950 use his holding, hitherto used for purposes connected with agriculture, horticulture or animal husbandry including pisciculture and poultry farming, for construction of any building, enclosure or any other purpose except with the permission in writing of the Settlement Officer (Consolidation) previously obtained.

(2) If any person contravenes the provisions of sub-section (1), he shall on conviction be liable to a fine not exceeding rupees one thousand."

12. Amendment of Section 20 of U. P. Act V of 1954.—In sub-section (3) of Section 20 of the Principal Act for the words "sub-section (2)" the words "sub-section (3)" shall be substituted.

13. Amendment of Section 27 of U. P. Act V of 1954.—In Section 27 of the Principal Act—

(1) In sub-section (1) between the words "said" and "records" the words "maps" and shall be inserted.

(2) In sub-section (2) between the words "rights" and "prepared" the words "and in the maps" shall be inserted.

14. Amendment of Section 28 of U. P. Act V of 1954.—The words “having regard to the nature of the crop” occurring at the end of the second proviso to Section 28 shall be deleted.

15. Amendment of Section 29 of U. P. Act V of 1954.—In Section 29 of the Principal Act—

(1) The following words in sub-section (1) shall be deleted :

“Such tenure-holder shall within nine months of the date of possession pay such compensation to the person or persons from whom possession was transferred and in case of default such compensation shall be recoverable from him as an arrear of land revenue.”

(2) Sub-sections (2) and (3) shall be deleted.

16. Insertion of a new Section 29-A in U. P. Act V of 1954.—After Section 29 of the Principal Act, the following shall be inserted as a new Section 29-A :

“29-A. **Recovery of compensation.**—(1) Where a tenure-holder from whom compensation is recoverable under this Act, fails to pay the same within the period prescribed therefor, the person entitled to receive it, may in addition to any other mode of recovery open to him, apply to the Collector within such time as may be prescribed to recover the amount due on his behalf as if it were an arrear of land revenue payable to Government.

(2) Where any compensation payable under this Act is not paid whether in whole or in part within three months of the date on which the tenure-holder from whom compensation is recoverable is entitled to enter into possession under Section 26, interest at the rate of 6 per cent per annum shall be charged on the amount not so paid.

17. Amendment of Section 33 of U. P. Act V of 1954.—For the existing Section 33 of the Principal Act the following shall be substituted :

“33. **Costs.**—(1) The Assistant Consolidation Officer shall, in the prescribed manner, determine the cost of consolidation and distribute such cost between the persons affected by the order of consolidation.

(2) If the State Government so decides, it may order that a specified amount be recovered in advance in the manner prescribed, as the first instalment of the cost of consolidation.

(3) Any amount payable as costs under this section shall be recoverable as arrears of land revenue.”

18. Amendment of Section 42 of U. P. Act V of 1954.—In Section 42 of the Principal Act for the words “Assistant Director” wherever they occur the words “Deputy Director” shall be substituted.

19. Amendment of Section 48 of U. P. Act V of 1954.—For the existing Section 48 of the Principal Act the following shall be substituted.

“48. Powers of Director of Consolidation to call for records and to revise orders.—The Director of Consolidation may call for the record of any case or proceeding if the Officer (other than the Arbitrator) by whom the case was decided or proceeding taken appears to have exercised jurisdiction not vested in him by law or to have failed to exercise jurisdiction as vested or to have acted in the exercise of his jurisdiction illegally or with substantial irregularity and may pass such orders in the case or proceeding as he thinks fit”.

20. Amendment of Section 52 of U. P. Act V of 1954.—For the existing Section 52 of the Principal Act the following shall be substituted :

“52. Close of consolidation operations.—As soon as may be after fresh maps and records have been prepared under Section 27, the State Government shall issue a notification in the official *Gazette* that the consolidation operations have been closed in the village and the village shall then cease to be under consolidation operations.”

21. Amendment of Section 54 of U. P. Act V of 1954.—In subsection (2) of Section 54 after clause (o) the following shall be inserted so a new clause (oo).

“(oo) The circumstances and matters which shall be taken into consideration in distributing the cost of consolidation, including the proportion in which the distribution may be made”.

THE TEHRI-GARHWAL REVENUE OFFICIALS (SPECIAL POWERS) ACT, 1956

(U. P. Act No. XXV OF 1956)

CONTENTS

Sections

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2. Investing Revenue Officials in certain areas with the powers of an

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- Officer-in-charge of a police station.
3. Order under Section 2 to be laid before the State Legislature.

*[Authoritative English text of the Tehri-Garhwal Rajaswa Padadhariyon ka
(Visheshadhikar) Adhiniyam, 1956]*

AN ACT

*to empower the Revenue Officials in Tehri-Garhwal to exercise the powers of
an Officer-in-charge of a Police Station*

Whereas it is expedient to empower the Revenue Officials in Tehri-Garhwal to exercise the powers of an Officer-in-charge of a Police Station ;

It is hereby enacted in the Seventh Year of the Republic of India as follows :

Prefatory Note.—The Statement of Objects and Reasons runs as follows :—

“The Revenue Officials of Almora and Garhwal and hill patties of Naini Tal perform certain duties of Police Officers. As this system has been working very satisfactorily and the crime in hill areas is not very appreciable it is proposed to adopt a similar system in Tehri-Garhwal. This has not been done so far as the Revenue Officials there had not received training in Police work. They have now been trained and it is now proposed to give them Police powers. These powers were given to Revenue Officials of Almora, etc. under Section 6 of the Scheduled District Act, 1874. As this Act has been repealed by the Government of India (Adaptation of Indian Laws) Order, 1937, this Bill is proposed to be introduced to authorize the empowering of the Revenue Officials in Tehri-Garhwal to exercise Police functions.” Vide U. P. Gaz. Extra. dated Feb. 9, 1956.

1. Short title, extent and commencement.—(1) This Act may be called the Tehri-Garhwal Revenue Officials (Special Powers) Act, 1956.

(2) It extends to the district of Tehri-Garhwal.

(3) It shall come into force at once.

Note.—The Act was passed in Hindi by the Uttar Pradesh Legislative Council on March 9, 1956, and by the Uttar Pradesh Legislative Assembly on July 17, 1956.

Received the assent of the Governor on August 2, 1956, under Article 200 of the Constitution of India and was published in the *Uttar Pradesh Gazette Extraordinary*, dated August 4, 1956.

Published in the *Uttar Pradesh Gazette Extraordinary*, dated August 4, 1956.

2. Investing Revenue Officials in certain areas with the powers of an Officer-in-charge of a police station.—(1) Where the State Government so declares by an Order, Lekhpal, Patwari or such other Revenue Officials as may be specified shall, subject to such restrictions and conditions as may be specified, exercise such of the powers and perform such of the functions and duties, as may be specified, of a Police Officer or an Officer-in-charge of a police station under any law for the time being in force notwithstanding anything is inconsistent therewith contained in such law.

(2) An order made under sub-section (1) may contain such incidental and consequential provisions as the State Government may consider necessary for carrying into effect the provisions of the declaration made under sub-section (1).

(3) A Lekhpal, Patwari or the Revenue Official specified in the declaration under sub-section (1) shall not merely by reason of exercising the powers of the Officer-in-charge of a Police Station in pursuance of any order made under sub-section (1) be deemed, to be a Police Officer enrolled under the Police Act, 1861.

3. Order under Section 2 to be laid before the State Legislature.—(1) A copy of every Order proposed to be issued under Section 2 shall be laid in draft before both Houses of the State Legislature for a period

of not less than thirty days while they are in session and if within that period, either House disapproves of the issue of the Order or approves of such issue only with modifications, the Order shall not be issued or, as the case may require, shall be issued only with such modifications as may be agreed on by both the Houses.

(2) Every such Order shall be published in the official *Gazette* and shall take effect from the date of such publication.

THE U. P. COTTON GINNING AND PRESSING FACTORIES (AMENDMENT) ACT, 1956

(U. P. Act No. XXVI of 1956)

CONTENTS

Sections	Sections	
1. Short title, extent and commencement.		Act, IX of 1949.
2. Amendment of Section 11 of U. P.		

[*Authoritative English text of the Uttar Pradesh Rui Otane Aur Uski Gathen Banane ke Kurkhanon ka (Sanshodhan) Adhiniyam, 1956*]

AN ACT

*to amend the U. P. Cotton Ginning and Pressing Factories Act,
1948 for certain purposes*

Whereas it is expedient to amend the U. P. Cotton Ginning and Pressing Factories Act, 1948, for certain purposes ;

It is hereby enacted in the Seventh Year of the Republic of India, as follows :

Prefatory Note.—The Statement of Objects and Reasons runs as below :—

“The importance of collecting timely and accurate information as to the cotton ginned and pressed in the context of estimation of the actual production of cotton in the country cannot be over emphasised. The ginning returns were so far being submitted by the Ginning Factories every month. It was observed in some cases where small business was done by a factory that they neglected to send the returns and sometimes no returns were filed at all. In such cases the factories did not take proper licences. In order to provide for better regulation of Cotton Ginning and Cotton Pressing Factories, Government

therefore, proposed to follow the same measures in Uttar Pradesh, and to amend Section 11 (1 and 2) of the U. P. Ginning and Pressing Factories Act, 1948 asking for weekly returns instead of monthly returns as was being done so far. It is expected that this measure will provide for better regulation of Ginning and Pressing Factories in U. P. and facilitate collection of timely and accurate information in the context of correct estimation of actual production of cotton in the country.” Vide U. P. Gaz. Extra. dated April 12, 1956.

1. Short title, extent and commencement.—(1) This Act may be called the U. P. Cotton Ginning and Pressing Factories (Amendment) Act, 1956.

(2) It extends to the whole of Uttar Pradesh.

(3) This section shall come into force at once and Section 2 on such date and in such areas as the State Government may, by notification in the official *Gazette*, appoint in this behalf.

Note.—The Act was passed in Hindi by the Uttar Pradesh Legislative Council on April 17, 1956, and by the Uttar Pradesh Legislative Assembly on July 17, 1956.

Received the assent of the President on September 1, 1956, under Article 201 of the Constitution of India and was published in the *Uttar Pradesh Gazette Extraordinary*, dated September 4, 1956.

Published in the *Uttar Pradesh Gazette Extraordinary*, dated September 4, 1956.

2. Amendment of Section 11 of U. P. Act IX of 1949.—In sub-sections (1) and (2) of Section 11 of the U. P. Cotton Ginning and Pressing Factories Act, 1948, for the words ‘monthly’ and ‘month’ wherever occurring the words ‘weekly’ and ‘week’ respectively shall be substituted.

THE AGRA UNIVERSITY (AMENDMENT) ACT, 1956

(U. P. ACT No. XXVII OF 1956)

CONTENTS

<i>Sections</i>	<i>Sections</i>
1. Short title and commencement.	Act XXXI of 1953.
2. Amendment of Section 1 of U. P. Act XXXI of 1953.	4. Validation.
3. Insertion of a new Section 1-A in U. P.	5. Repeal.

[*Authoritative English text of the Agra University (Sanshodhan) Adhiniyam 1956*]

AN ACT

to amend the Agra University (Amendment) Act, 1953

Whereas it is expedient to amend the Agra University (Amendment) Act, 1953, for the purposes hereinafter appearing ;

It is hereby enacted in the Seventh Year of the Republic of India as follows :

Prefatory Note.—The Statement of Objects and Reasons runs as below :—

“After the Agra University (Amendment) Act, 1953 was passed Government framed the first Statutes under the proviso to sub-section (2) of Section 1 of the said Act, for the constitution of the University authorities as well as for general purposes. Doubts have been expressed that the Statute making power of Government under the aforesaid proviso was confined to the framing of Statutes for the due constitution of the University Authorities only. As the Statutes have been made for other purposes also and the University has since been acting in accordance with the provisions of those Statutes, it is necessary that doubts be set at rest and the action taken by the University thereunder be rendered valid.

The Bill is therefore presented to the House.” Vide U. P. Gaz. Extra. dated May 17, 1956.

1. Short title and commencement.—(1) This Act may be called the Agra University (Amendment) Act, 1956.

(2) It shall come into force at once.

Note.—The Act was passed in Hindi by the Uttar Pradesh Legislative Council on August 6, 1956, and by the Uttar Pradesh Legislative Assembly on August 23, 1956.

Received the assent of the Governor on September 9, 1956, under Article 200 of the Constitution of India and was published in the *Uttar Pradesh Gazette Extraordinary*, dated September 12, 1956.

Published in the *Uttar Pradesh Gazette Extraordinary*, dated September 12, 1956.

2. Amendment of Section 1 of U. P. Act XXXI of 1953.—In sub-section (2) of Section 1 of the Agra University (Amendment) Act, 1953 (hereinafter called the Principal Act)—

(1) for the ‘colon’ after the word ‘behalf’ a ‘full-stop’ shall be and be deemed always to have been substituted ; and

(2) the provisos shall be and be deemed always to have been deleted.

3. Insertion of a new Section 1-A in U. P. Act XXXI of 1953.—After Section 1 of the Principal Act the following shall be and deemed always to have been inserted as a new Section 1-A :

“1-A. Powers of State Government regarding constitution of University Authorities, etc.—(1) At any time after this Act has been first published in the official *Gazette*, it shall be lawful for the State Government to do anything necessary generally for giving effect to the provisions of the Agra University Act, 1926, as amended by this Act, including the constitution of the University Authorities, the making of any new Statute or the amending of any Statute and fixing of dates for the coming into force of such Statutes or amendments.

(2) Every Statute and amendment made under sub-section (1) shall have the same force and effect as a Statute or amendment made under and in accordance with Section 27 of the Agra University Act, 1926.

(3) The powers conferred by sub-section (1) may be exercised as often as occasion requires but not later than twenty-four months from the time this Act is first published in the official *Gazette*.”

4. Validation—(1) For the removal of doubts it is hereby declared that any Statute framed or amendment made in purported exercise of the powers conferred under Section 1 or any other section of the Principal Act, as it stood prior to its amendment by this Act shall be deemed to be valid and good in law as if the provisions of this Act had been in force at all material dates, and any reference in any notification whereby a Statute was framed or amended to any section as aforesaid shall be and be deemed also to include a reference to Section 1-A inserted by Section 3 of this Act.

(2) Any act or thing done including any order made, action or proceeding taken, or jurisdiction exercised under or in accordance with the provisions of any Statute framed or amended under the Principal Act as it stood prior to its amendment by this Act, during the period prior to the commencement of this Act, which would have been validly and properly done or omitted under the Statute framed or amended as aforesaid if the Principal Act had been as amended by this Act, shall be deemed to be and to have been validly and properly done, made, taken or exercised thereunder.

5. Repeal.—The Agra University (Amendment) Ordinance, 1956, is hereby repealed and the provisions of Sections 6 and 24 of the U. P. General Clauses Act, 1904 shall apply to it as if it had been an enactment repealed by the U. P. Act.

VARANASEYA SANSKRIT VISHVA VIDYALAYA ACT, 1956

(U. P. Act No. XXVIII OF 1956)

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CONTENTS

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[Authoritative English Text of the Varanaseya Sanskrit Vishva Vidyalaya Adhiniyam, 1956]

AN ACT

to establish and incorporate a Sanskrit Vishva Vidyalaya at Varanasi

Whereas it is expedient to establish and incorporate a Sanskrit Vishva Vidyalaya at Varanasi and to vest therein the functions at present discharged by the Government Sanskrit College, the Saraswati Bhavan Library and the State Board of Sanskrit Education :

It is hereby enacted in the Seventh Year of the Republic of India as follows :

Prefatory Note.—The Statement of Objects and Reasons runs as below :—

“There has been a persistent demand for the establishment of Sanskrit University in this Pradesh which was voiced at the first session of the Sanskrit Vishva Parishad held three years ago in Banaras and also at the second session held recently in Lucknow at which the hope was expressed that the proposed Sanskrit University at Banaras would start functioning in July next year.

The importance of Sanskrit both as the repository of the culture of the land and as the parent language of Hindi, the chosen official language of the country, cannot be over-emphasized. Hindi must for a long time draw on Sanskrit for much of the vocabulary required for the new purposes which it is called upon to serve as the official language of the country. The rich treasures of Sanskrit literature and learning are still largely unexplored and await research on modern lines. The urge for Sanskrit education is, however, on the decline and it is necessary to arrest this tendency and to create enthusiasm for Sanskrit learning. This may be best done by a University.

The Government Sanskrit College Banaras, has held a pre-eminent place among institutions of Sanskrit learning. Its examinations are taken by candidates from all parts of the country and its degrees are held in high esteem. Government propose to raise its status and make it a University of the teaching and affiliating type which would have ample freedom to plan and direct its work. Provision has been made in the Bill for the Chancellor and the Vice-Chancellor to be well-versed in Sanskrit and modern learning so that studies and research alike may be conducted on up-to-date lines, without sacrificing the strong points of the traditional system of Sanskrit learning.

Hence the Varanaseya Sanskrit Vishva Vidyalaya Bill is introduced in this House for consideration.” Vide U. P. Gaz. Extra. dated Nov. 11, 1955.

1. Short title and commencement.—(1) This Act may be called “the Varanaseya Sanskrit Vishva Vidyalaya, Act, 1956”.

(2) It shall come into force on such date as the State Government may, by notification in the official *Gazette*, appoint in this behalf and different dates may be appointed for different provisions of this Act.

Note.—The Act was passed in Hindi by the Uttar Pradesh Legislative Assembly on July 30, 1956, and by the Uttar Pradesh Legislative Council on August 14, 1956.

Received the assent of the Governor on September 11, 1956, under Article 200 of the Constitution of India and was published in the *Uttar Pradesh Gazette Extraordinary*, dated September 15, 1956.

Published in the *Uttar Pradesh Gazette Extraordinary*, dated September 5, 1956.

2. Definitions.—In this Act, unless there is anything repugnant in the subject or context,—

- (a) “affiliated college” means an institution affiliated to the Vishva Vidyalaya under and in accordance with the provisions of this Act ;
- (b) “hostel” means a place of residence for students of the Vishva Vidyalaya or of an affiliated college, maintained in accordance with the provisions of this Act and the Statutes ;
- (c) “management” means the managing committee or other body charged with managing the affairs of an affiliated college or a hostel ;
- (d) “prescribed” means prescribed by a Statute made under this Act ;
- (e) “Principal” means the head of an affiliated college ;
- (f) “recognize” with its cognate expressions means recognize in accordance with the provisions of this Act, the Statutes and the Ordinances ;
- (g) “registered Graduate” means a person registered as such in accordance with the provisions of this Act and the Statutes ;
- (h) “Statutes, Ordinances and Regulations” mean respectively the Statutes, Ordinances and Regulations of the Vishva Vidyalaya for the time being in force ;
- (i) “student of the Vishva Vidyalaya” means a person enrolled in the Vishva Vidyalaya for the purpose of taking a course of study for a degree, diploma or other academic distinction ;
- (j) “teacher” means a person employed by the Vishva Vidyalaya or by an affiliated college for imparting instruction for a degree of the Vishva Vidyalaya or for conducting or supervising research or a person not so employed, but recognized by the Vishva Vidyalaya for preparing and presenting candidates for the examinations and degrees of the Vishva Vidyalaya ;
- (k) “teacher of the Vishva Vidyalaya” means a teacher appointed and paid by the Vishva Vidyalaya ;
- (l) “teacher of an Affiliated College” means a teacher appointed and paid by an Affiliated College ;
- (m) “Vishva Vidyalaya” means the Varanaseya Sanskrit Vishva Vidyalaya established under this Act.

3. The Vishva Vidyalaya.—(1) The first Kulapati, Prati Kulapati and Upa-Kulapati of the Vishva Vidyalaya and the first members of the Shist

Parishad, Karya Karini Parishad and the Vidvata Parishad, of the Vishva Vidyalyaya and all persons who may hereafter become such officers or members, as long as they continue to hold such office or membership, are hereby constituted a body corporate by the name of the Varanaseya Sanskrit Vishva Vidyalyaya.

(2) The Vishva Vidyalyaya shall have perpetual succession and a common seal and shall sue and be sued by the said name.

4. Powers of Vishva Vidyalyaya.—Subject to such conditions as may be provided by or under this Act the Vishva Vidyalyaya shall have the following powers, namely—

- (i) to institute degrees, diplomas and other academic distinctions in Sanskrit, Pali and Prakrit learning and other allied subjects ;
- (ii) to provide for instructions therefor and to hold examinations for and to confer or award degrees, diplomas and distinctions on or to persons satisfying prescribed conditions ;
- (iii) to institute any other examination, not being an examination referred to in clause (i), as the Vishva Vidyalyaya may think fit and to prescribe courses for and to hold such examinations and grant certificates on the result thereof ;
- (iv) to confer honorary degrees or other distinctions on approved persons in the manner laid down in the Statutes ;
- (v) to receive as gift or in trust such property and funds as may be given to it and to hold, use and keep account of them in accordance with the conditions of the gift or trust ;
- (vi) to demand and receive such fees as may be prescribed by or under this Act ;
- (vii) to maintain the Saraswati Bhavan Library ;
- (viii) to maintain a bibliography of literature on Sanskrit and allied subjects and to publish research papers ;
- (ix) to institute teaching posts required by the Vishva Vidyalyaya and to appoint persons to such posts, in the manner prescribed by or under this Act ;
- (x) to institute and award fellowships, scholarships, bursaries, prizes and medals in accordance with the provisions of this Act, the Statute and the Ordinances ;
- (xi) to maintain hostels for the residence of the students of the Vishva Vidyalyaya and to recognize hostels not maintained by the Vishva Vidyalyaya for the residence of the students of the Vishva Vidyalyaya and of the affiliated colleges ;
- (xii) to co-operate with other Universities and institutions in such manner as the Vishva Vidyalyaya may determine and to do all such other acts and things as may be requisite for the purpose of furthering the object of the Vishva Vidyalyaya.

5. Affiliation of institutions.—The Vishva Vidyalyaya may affiliate institutions situated in any part of the territory of India and recognize teachers of, and admit to its examinations candidates from, such territory or abroad :

Provided that the Vishva Vidyalyaya shall not—

- (a) affiliate an institution outside U. P., or

(b) recognize any teacher employed in an institution situate in the territory of India and maintained by Government, except upon the recommendation of the Government concerned.

6. Courses of study.—The courses of study for the degrees, diplomas and certificates of the Vishva Vidyalaya shall be prescribed by the Ordinances and by Regulations.

7. Visitation.—(1) The State Government may cause an inspection to be made, by such person or persons as it may direct, of the Vishva Vidyalaya and its buildings, libraries, museums, observatories, etc. and also of the examinations, teaching and other work conducted or done by the Vishva Vidyalaya, and to cause an inquiry to be made in like manner in respect of any matter connected with the Vishva Vidyalaya.

(2) The State Government shall, in every case, give notice to the Vishva Vidyalaya of its intention to cause an inspection or an enquiry to be made and the Vishva Vidyalaya shall be entitled to appoint a representative who shall have the right to be present and be heard at such inspection or enquiry.

(3) The State Government shall communicate to the Shishta Parishad and to the Karya Karini Parishad its views with reference to the results of such inspection or enquiry and shall after ascertaining the opinion of the Shishta Parishad and the Karya Karini Parishad on the report, advise the Vishva Vidyalaya upon the action to be taken.

(4) The Karya Karini Parishad shall within such time as the State Government may fix submit to it a report of the action taken or proposed to be taken together with the views which the Shishta Parishad may express on the report.

(5) If the Vishva Vidyalaya Authorities do not, within a reasonable time, take action to the satisfaction of the State Government the State Government may after considering any explanation which the Vishva Vidyalaya Authorities may furnish, issue such directions as it may think fit and the Vishva Vidyalaya Authorities shall be bound to comply with such directions.

8. Inspections of affiliated colleges.—(1) The State Government may, either on its own motion or on the recommendation of the Karya Karini Parishad of the Vishva Vidyalaya, cause an inspection to be made, by such person or persons as it may direct, of any affiliated college, its building, library or hostel and of the teaching conducted by the college and also cause an inquiry to be made in respect of any matter connected with the colleges. The State Government shall in every case give notice to the Vishva Vidyalaya and to the affiliated college of its intention to cause an inspection or inquiry to be made and the Karya Karini Parishad of the Vishva Vidyalaya and the Management of the College shall each be entitled to appoint one representative who shall have the right to be present and be heard at such inspection or enquiry. The representative of the Vishva Vidyalaya may if the State Government so directs, be included among the persons appointed to conduct the inspection or the inquiry.

(2) The State Government may communicate to the Management the results of such inspection or inquiry and advise it as to the action to be taken.

(3) Where the Management does not within a reasonable time take action to the satisfaction of the State Government, the State Government

may, after considering any explanation furnished or representation made by the Management, issue such directions as it may think fit and the Management shall forthwith comply with such directions.

9. Officers of the Vishva Vidyalyaya—The following shall be the officers of the Vishva, Vidyalyaya :

- (i) Kulapati (Chancellor).
- (ii) Prati-Kulapati Pro-Chancellor).
- (iii) Upa-Kulapati (Vice-Chancellor).
- (iv) Koshadhyaksha (Treasurer).
- (v) Prastota (Registrar).
- (vi) Granthadhyaksha (Librarian).
- (vii) Chhatrasanrakshaka (Dean of Student Welfare).
- (viii) Such other officers as may be declared by the Statutes to be officers of the Vishva Vidyalyaya.

10. The Kulapati.—(1) The Governor shall be the Chancellor of the University.

(2) The Kulapati shall, by virtue of his office be the head of the Vishva Vidyalyaya and the President of the Shishta Parishad and shall, when present, preside at meetings of the Shishta Parishad and at any Convocation of the Vishva Vidyalyaya.

(3) The Kulapati shall have such other powers as are or may be conferred upon him by this Act or the Statutes.

11. Prati-Kulapati.—(1) Maharaja Bibhuti Narain Singh of Varanasi shall be the first Prati-Kulapati for life of the Vishva Vidyalyaya. The second and subsequent Prati-Kulapati shall be appointed by the Kulapati after consulting the State Government and shall hold office for such term as the Kulapati may in each case determine.

(2) The Prati-Kulapati shall, in the absence of the Kulapati, preside at meetings of the Shishta Parishad and at any convocation of the Vishva Vidyalyaya.

(3) He shall have such other powers as may be conferred upon him by or under this Act or the Statutes.

12. The Upa-Kulapati.—(1) The Upa-Kulapati shall be appointed by the Kulapati out of the persons whose names are submitted by the Committee referred to in sub-section (2) :

Provided that the Kulapati may if he thinks fit, return the names to the Committee with his observations and may call for more names, and it shall be open to the Committee to make such additions and alterations in the name as it deems fit or to resubmit the same names.

(2) A Committee consisting of three persons to be appointed one each by the Karya Karini Parishad, the Vidvata Parishad and the Kulapati shall after consulting such persons as it may deem fit recommend to the Kulapati the names of not less than three persons, who shall be well-versed in Sanskrit and in modern knowledge for appointment as Upa-Kulapati.

(3) Along with the names recommended under sub-section (2) the Committee shall forward to the Kulapati a concise statement showing the academic qualifications and other distinctions of the persons recommended by it.

(4) The Upa-Kulapati shall be a whole-time officer of the Vishva Vidyalyaya. He shall receive a salary of rupees two thousand per mensem or such higher amount as may be prescribed, and shall be provided with a furnished residence rent free. The other conditions of service of the Upa-Kulapati shall be such as may be prescribed and shall not be varied to his disadvantage after his appointment.

(5) The Upa-Kulapati shall hold office for a period of five years, and shall, notwithstanding the expiry of the said period of five years, continue in office until his successor has entered upon the duties of his office.

(6) The Upa-Kulapati may relinquish his office at any time by resignation in writing addressed to the Kulapati provided that, it shall be sent not less than sixty days in advance of the date on which he wishes to be so relieved.

(7) Where a vacancy occurs, or is likely to occur in the office of the Upa-Kulapati by reason of leave or any cause other than resignation or the expiry of the term, the Prastota shall report the fact forthwith to the Kulapati. If the vacancy is, or is likely to last for a period exceeding one year, the Kulapati shall fill the same in the manner provided in sub-section (1). In other cases the Karya Karini Parishad may, subject to the approval of the Kulapati, either appoint the Upa-Kulapati or make such other arrangements for carrying on the office as it may think fit.

(8) Until arrangements have been made under sub-section (1) or (7), the Prastota shall carry on the current duties of the office of Upa-Kulapati but he shall not preside at meetings of the Vishva Vidyalyaya Authorities.

13. Powers and duties of the Upa-Kulapati.—(1) The Upa-Kulapati shall be the principal executive and academic officer of the Vishva Vidyalyaya and shall, in the absence of the Kulapati and Prati-Kulapati preside at meetings of the Shishta Parishad and at any Convocation of the Vishva Vidyalyaya. He shall be an *ex-officio* member and chairman of the Karya Karini Parishad and the Vidvata Parishad. He shall have the right to speak in and to take part in the proceedings of the meetings of any other Authority or body of the Vishva Vidyalyaya but shall not, merely by virtue of this sub-section, be entitled to vote thereat.

(2) It shall be the duty of the Kulapati to ensure the faithful observance of the provisions of this Act, the Statutes and the Ordinances and he shall, without prejudice to the powers of the Kulapati under Section 38 possess all such powers as may be necessary in that behalf.

(3) The Upa-Kulapati shall have power to convene meetings of the Shishta Parishad, the Karya Karini Parishad and the Vidvata Parishad :

Provided that he may delegate this power to any other officer of the Vishva Vidyalyaya.

(4) The Upa-Kulapati shall exercise general control over the affairs of the University and shall be responsible for the due maintenance of discipline therein.

(5) The Upa-Kulapati may start disciplinary proceedings against any salaried officer or teacher of the Vishva Vidyalyaya and may, wherever necessary also place him under suspension. Where disciplinary proceedings have been started as aforesaid by the Upa-Kulapati and the case in his opinion—

(a) is not such as may call for punishment by dismissal, removal, stoppage of increment, or reduction in emoluments he may pass such orders as he deems fit ;

(b) is such as may call for a punishment as aforesaid, he shall hold an enquiry with two other persons, appointed in the manner to be prescribed.

(6) In any case in which enquiry has been held under clause (b) of sub-section (5), the Upa-Kulapati shall, upon conclusion of the enquiry submit the report to the Karya Karini Parishad. If there is difference of opinion among the Upa-Kulapati and the persons holding the enquiry [with him] under clause (b) of sub-section (5), regarding the recommendation to be made in the report, the recommendation shall be expressed in terms of the views of the majority. The Karya Karini Parishad shall thereupon pass orders according to the recommendation made in the report unless it differs therefrom in which case it shall refer the matter to the Kulapati with its recommendation and the Kulapati may then make such order as he deems just and proper.

(7) In any emergency which, in the opinion of the Upa-Kulapati, requires immediate action to be taken, he shall take such action as he deems necessary, and shall at the earliest opportunity, report the action taken to the officer, Authority or other body who or which in the ordinary course would have dealt with the matter; but nothing in this sub-section shall be deemed to empower the Upa-Kulapati to incur any expenditure not duly authorized and provided for in the budget.

(8) Where any action taken by the Upa-Kulapati under clause (a) of sub-section (5) or sub-section (7) affects any person in the service of the Vishva Vidyalaya to his disadvantage such person may prefer an appeal to the Karya Karini Parishad within thirty days from the date on which the action is communicated to him.

(9) Subject as aforesaid, the Upa-Kulapati shall give effect to the orders of the Karya Karini Parishad regarding the appointment, suspension and dismissal of officers and teachers of the Vishva Vidyalaya.

(10) The Upa-Kulapati shall exercise such other powers as may be prescribed by the Statutes and the Ordinances.

14. The Koshadhyaksha.—(1) The Koshadhyaksha shall be appointed by the Kulapati in the manner hereinafter appearing :

(a) The Karya Karini Parishad shall, so far as may be, at least thirty days before the date on which a vacancy is due to occur in the office of Koshadhyaksha and also whenever so required by the Kulapati, submit to the Kulapati the name or names of not more than three persons suitable to hold the office of Koshadhyaksha.

(b) Where the name or names proposed in the Karya Karini Parishad for submission to the Kulapati under clause (a) do not exceed three in number, the Parishad shall submit all such names but if the number exceeds three the Parishad shall, out of the names so proposed, select three names according to the system of proportional representation by means of the single transferable vote.

(c) Where one name only has been submitted by the Karya Karini Parishad the Kulapati shall appoint the person whose name has been so submitted. In other cases, the Kulapati shall appoint one of the persons whose names have been submitted by the Karya Karini Parishad under clause (b).

(2) The Koshadhyaksha shall hold office for a period of five years and shall notwithstanding the expiry of the said period, continue in office until his successor is appointed and enters upon his office. If he wishes to relinquish office before the expiry of his term he shall submit his resignation to the Kulapati not less than sixty days in advance of the date on which he wishes to be relieved.

(3) The other conditions of the tenure of the office of Koshadhyaksha shall be prescribed by the Statutes which may also provide for the payment of a remuneration to him out of the funds of the Vishva Vidyalaya.

(4) If a temporary vacancy arises in the office of Koshadhyaksha or if the office falls vacant permanently for an unforeseen reason the Prastota shall carry on the current duties of the office till an appointment is made. If the vacancy is, or is likely to last for less than six months the Karya Karini Parishad shall be free to make an officiating appointment subject to confirmation by the Kulapati. If the vacancy is permanent or is likely to last for a period exceeding six months an appointment shall be made in the manner laid down in sub-section (1).

(5) The Koshadhyaksha shall be an *ex-officio* member of the Karya Karini Parishad and shall manage the property and investments of the Vishva Vidyalaya and advise in regard to its financial Policy. He shall be responsible for the presentation of the budget and the statement of accounts.

(6) It shall be the duty of the Koshadhyaksha—

(i) to ensure that no expenditure otherwise than by way of investment, not authorized in the budget is incurred by the Vishva Vidyalaya, and

(ii) to disallow any expenditure which may contravene the terms of any Statute or Ordinance, or for which provision is required to be made by Statutes or Ordinances but has not been so made.

15. The Prastota.—(1) The Prastota shall be a whole-time officer of the Vishva Vidyalaya and shall be appointed by the Karya Karini Parishad on the recommendation of a Nirdharana Samiti constituted in the manner laid down in the Statutes.

(2) The emoluments of the Prastota shall be prescribed by the Ordinances.

(3) The Prastota shall be responsible for the due custody of the records and the Common Seal of the Vishva Vidyalaya. He shall be *ex-officio* Secretary of the Shishta Parishad, the Karya Karini Parishad, the Vidvata Parishad, the Nirdharana Samitis and the Artha Samiti and shall be bound to place before these Authorities all such information as may be necessary for the transaction of business. He shall perform such other duties as may be prescribed by the Statutes and the Ordinances or required, from time to time, by the Karya Karini Parishad or the Upa-Kulapati.

(4) He shall conduct the examinations and make necessary arrangements therefor and be responsible for the due execution of all processes connected therewith.

(1) The Prastota shall not be offered nor shall he accept any remuneration for any work in the Vishva Vidyalaya or elsewhere save such as may be provided for by the Statutes and the Ordinances.

16. The Granthadhyaksha.—(1) It shall be the duty of the Granthadhyaksha to maintain a bibliography on Sanskrit and other allied subjects.

(2) And to ensure preservation and maintenance of ancient manuscripts and to assist in research and publication of catalogues and take steps to discover ancient manuscripts.

17. Powers and duties of officers.—The powers and duties of the officers of the Vishva Vidyalaya shall, save as otherwise provided by this Act, be prescribed by the Statutes and Ordinances.

18. Authorities of the Vishva Vidyalaya.—The following shall be the Authorities of the Vishva Vidyalaya :

- (i) The Shishta Parishad (Senate).
- (ii) The Karya Karini Parishad (Executive Council).
- (iii) The Vidvata Parishad (Academic Council).
- (iv) The Arth Samiti (Finance Committee).
- (v) The Nirdharana Samiti (Selection Committee).
- (vi) Such other Authorities as may be declared by the Statutes to be Authorities of the Vishva Vidyalaya.

19. The Shishta Prishad.—(1) The Shishta Parishad shall consist of the following persons, namely :

Class I—*Ex-officio Members*

- (i) The Kulapati.
- (ii) The Prati-Kulapati.
- (iii) The Upa-Kulapati.
- (iv) The Koshadhyaksha.
- (v) The Minister of Education in the Government of Uttar Pradesh.
- (vi) The Director of Education, Uttar Pradesh.
- (vii) The Inspector of Sanskrit Pathshalas, Uttar Pradesh.
- (viii) The Prastota.
- (ix) The Granthadhyaksha.
- (x) The members of the Karya Karini Parishad and the Vidvata Parishad who are not otherwise members of the Shishta Parishad.
- (xi) All Heads of the Department of Teaching in the Vishva Vidyalaya.
- (xii) The Heads of the Departments of Teaching in Sanskrit in Gurukul Kangri and the Universities established by law in Uttar Pradesh.
- (xiii) Such other persons with reference to offices held by them as may be prescribed.

Class II—*Life Members*

- (xiv) Such persons, not more than five at any time, as may be appointed by the Kulapati on the recommendation of the Shishta Parishad in recognition of their eminence as scholars of Sanskrit or of their services in the cause of Sanskrit learning.
- (xv) All individuals who have made donations of the value of not less than Rs. 25,000 to or for the purpose of the Vishva Vidyalaya.

Class III—Other Members

- (xvi) One member of the Legislative Council of the State to be elected by it.
- (xvii) Three members of the Legislative Assembly of the State to be elected by it.
- (xviii) Representatives of the Registered Graduates possessing degrees not lower than Acharya.
- (xix) Persons nominated by associations, individuals or bodies of individuals making to the Vishva Vidyalaya donations or annual contributions of an amount to be prescribed.
- (xx) Representatives of donors other than those included in items (xv) and (xix).
- (xxi) Representatives of teachers of the Vishva Vidyalaya (other than teachers included in Class I) and of such other functionaries of the Vishva Vidyalaya as may be prescribed.
- (xxii) Representatives of such bodies interested in Sanskrit learning as may be prescribed.
- (xxiii) Not more than seven persons to be appointed by the Kulapati of whom four shall be teachers or members of the managements of affiliated colleges.

(2) The number of members referred to in items (xviii) to (xxii) of subsection (1), the manner of their appointment, election and nomination and their tenure shall, save as otherwise provided in this Act, be prescribed by the Statutes.

(3) The Shishta Parishad may declare vacant the seat of a member other than an *ex-officio* or life member who has absented himself from three consecutive meetings without sufficient cause.

20. Meeting of the Shishta Parishad.—(1) The Shishta Parishad shall, on a date to be fixed by the Upa-Kulapati, meet in every year at a meeting to be called the annual meeting of the Shishta Parishad.

(2) The Upa-Kulapati may, whenever he thinks fit, and shall upon a requisition in writing signed by not less than forty members of the Shishta Parishad convene a special meeting of the Shishta Parishad.

21. Powers and duties of the Shishta Parishad.—(1) Subject to the provisions of this Act the Shishta Parishad shall exercise the following powers and perform the following duties, *viz* —

- (a) to make Statutes,
- (b) to consider and cancel Ordinances,
- (c) to consider and pass resolution on the annual report, the annual account, the budget and any matter of general policy connected with the Vishva Vidyalaya.

(2) The Shishta Parishad shall exercise such other powers and perform such other duties as may be conferred or imposed on it by this Act or the Statutes.

22. The Karya Karini Parishad.—The Karya Karini Parishad shall be the executive body of the Vishva Vidyalaya. Its constitution and the manner of appointment and term of office of its members shall be laid down by the Statutes.

23. Powers and duties of the Karya Karini Parishad.—(1) Subject to the provisions of this Act and the Statutes, the Karya Karini Parishad shall have the following powers and duties, namely—

- (a) to hold and control the property, endowments and funds of the Vishva Vidyalaya and issue any general directives in that behalf;
- (b) to maintain proper accounts of the assets and funds of the Vishva Vidyalaya ;
- (c) to accept the transfer of any movable or immovable property on behalf of the Vishva Vidyalaya ;
- (d) to administer any funds placed at the disposal of the Vishva Vidyalaya for specific purposes ;
- (e) to prepare the budget of the Vishva Vidyalaya ;
- (f) to award fellowships, scholarships, bursaries, medals and other rewards in accordance with the Statutes and Ordinances relating thereto ;
- (g) to appoint the officers, teachers and other servants of the Vishva Vidyalaya, to define their duties and the conditions of their service and to provide for the filling of casual vacancies in their posts ;
- (h) to appoint examiners and to direct the holding of examinations and publication of results ;
- (i) to arrange for and direct the inspection of affiliated colleges, and of hostels and other places of residence for students ;
- (j) to direct the form and use of the Common Seal of Vishva Vidyalaya ;
- (k) to grant affiliation to colleges or withdraw such affiliation in the manner and in accordance with the conditions laid down in the Statutes ;
- (l) to regulate and determine all matters concerning the Vishva Vidyalaya in accordance with this Act, the Statutes and the Ordinances ;
- (m) to exercise such other powers as may be conferred or imposed on it by this Act and the Statutes.

(2) The Karya Karini Parishad shall exercise all such powers and discharge all such functions of the Vishva Vidyalaya as are not otherwise provided for by this Act or the Statutes.

(3) The Karya Karini Parishad shall not exceed the limits of recurring and non-recurring expenditure to be incurred in each financial year as determined by the Artha Samiti.

(4) The Karya Karini Parishad shall not take any action in regard to the number, qualifications and emoluments of teachers and the fee payable to examiners except after considering the advice of Vidvata Parishad.

(5) The Karya Karini Parishad shall give due consideration to the resolutions of the Shishta Parishad and take such action thereon as it shall deem fit and report it to the Shishta Parishad. Where, in any case, the Karya Karini Parishad is unable to take action in accordance with any resolution it shall inform the Shishta Parishad of its reasons therefor.

24. The Vidvata Parishad.—(1) The Vidvata Parishad shall be the academic body of the Vishva Vidyalaya and shall, subject to the provisions of this Act, the Statutes and the Ordinances, have the control and general regulation of and be responsible for the maintenance of standards of teaching and examination within the Vishva Vidyalaya and shall exercise such other powers and perform such other duties as may be conferred or imposed on it by the Statute. It shall have the right to advise the Karya Karini Parishad on all academic matters.

(2) The constitution of the Vidvata Parishad and the term of office of its members other than *ex officio* members shall be prescribed by the Statutes.

25. The Artha Samiti.—(1) The Artha Samiti shall consist of—

- (i) the Upa-Kulapati ;
- (ii) the Koshadhyaksha ;
- (iii) three members of the Shishta Parishad who are not members of the Karya Karini Parishad or employees of the Vishva Vidyalaya or an affiliated college or hostel, to be elected by the Shishta Parishad according to the system of proportional representation by means of the single transferable vote ;
- (iv) the persons to be nominated by the State Government.

(2) The Upa-Kulapati shall be the Chairman and the Prastota shall be the Secretary of the Committee.

(3) The Artha Samiti shall, having regard to the income and resources of the Vishva Vidyalaya fix limits for the total recurring and total non-recurring expenditure for the ensuing year, and shall perform such other functions as may be prescribed by this Act or the Statutes.

(4) The Artha Samiti may, for any special reason (to be recorded in writing), revise, during the financial year, the limits of expenditure fixed by it under sub-section (3).

26. Courses of Studies, Departments and Committees of Courses.—(1) The Vishva Vidyalaya shall prescribe courses and hold examinations in such subjects of study as may be named in the Ordinances.

(2) The Vishva Vidyalaya shall have departments of teaching to provide instruction in such subjects of study as it may consider fit. The Department of teaching and the subject or subjects of study assigned to each department shall respectively be named in the Statutes and the Ordinances.

(3) The manner of appointment and the duties, powers and functions of the Heads of Departments shall be provided by the Ordinances.

(4) There shall be established Committees of Courses and Students, in respect of one or more subjects of study. The constitution of the Committees shall be provided by the Ordinances.

27. Chhatra Kalyan Parishad.—(1) The Vishva Vidyalaya shall establish a Chhatra Kalyan Parishad to look after the arrangement for the residence, health and well-being of the students of the Vishva Vidyalaya, and to promote social and intellectual life among them.

(2) The constitution of the Parishad and its functions shall be provided by the Ordinances.

(3) The Chhatrasanrakshak shall be the Chairman of the Parishad,

28. Statutes.—Subject to the provisions of this Act, the Statutes may provide for matters relating to the Vishva Vidyalaya and shall, in particular, provide for the following :

- (a) the constitution, powers and duties of the Authorities of the Vishva Vidyalaya ;
- (b) the election, appointment and continuance in office of the members of the Authorities of the Vishva Vidyalaya and the filling of vacancies and all other matters relating to such Authorities ;
- (c) the institution and maintenance of libraries, museums, observatories, institutes and hostels ;
- (d) the designation, manner of recruitment, powers and duties of the officers of the Vishva Vidyalaya ;
- (e) the classification and the manner of recruitment of teachers ;
- (f) the constitution of a provident fund and the establishment of an insurance scheme for the benefit of officers, teachers and other employees of the Vishva Vidyalaya ;
- (g) the institution of degrees and diplomas ;
- (h) the conferment of honorary degrees ;
- (i) the withdrawal of degrees, diplomas and other academic distinctions ;
- (j) the conditions subject to which colleges may be affiliated or teachers recognized or affiliation or recognition withdrawn ;
- (k) the maintenance of a Register of Registered Graduates ;
- (l) the holding of Convocation ;
- (m) the institution of fellowships, scholarships, bursaries, medals and prizes, and
- (n) all other matters which are required by this Act to be provided for by the Statutes.

29.—Statutes how made.—(1) The first Statutes shall be made by the State Government and a copy thereof shall be laid before each House of the State Legislature for ten days and they shall be subject to such additions and alterations as may be agreed to by both Houses but without prejudice to the validity of anything previously done thereunder.

(2) The Statutes may be amended or repealed or added to by Statutes made by the Shishta Parishad in the manner hereinafter appearing.

(3) The Shishta Parishad may of its own motion take into consideration the draft of any Statutes :

Provided that—

- (a) in the case of statute affecting the income or expenditure of the Vishva Vidyalaya a draft of the Statute shall be submitted to the State Government and the Statute shall not be made if the State Government objects to it, and
 - (b) in the case of a statute affecting the powers or duties of any officer or Authority or Board the opinion of the Karya Karini Parishad and a report from the person or body concerned shall be considered by the Shishta Parishad.
- (4) The Karya Karini Parishad may propose to the Shishta Parishad the draft of any Statute to be passed by the Shishta Parishad. Such draft

shall be considered by the Shishta Parishad at its next succeeding meeting. The Shishta Parishad may approve such draft and pass the Statute, or may reject it or return it to the Karya Karini Parishad for reconsideration, either in whole or in part together with any amendments which the Shishta Parishad may suggest. After any draft so returned has been further considered by the Karya Karini Parishad, together with any amendments suggested by the Shishta Parishad it shall again be presented to the Shishta Parishad with the report of the Karya Karini Parishad, and the Shishta Parishad may then deal with the draft in any way it thinks fit.

(5) Where any Statute has been passed by the Shishta Parishad or a draft of a Statute has been rejected by the Shishta Parishad it shall be submitted to the Kulapati who may refer the Statute or draft back to the Shishta Parishad for further consideration or in case the Statute is again passed by the Shishta Parishad he may assent thereto or withhold his assent.

(6) A statute passed by the Shishta Parishad shall not be valid until it has been assented to by the Kulapati.

(7) The Karya Karini Parishad shall not propose the draft of any statute or of any amendment of a statute affecting the income or expenditure of the Vishva Vidyalaya unless a draft of the same has been submitted to and concurred in by the State Government or the draft of a statute affecting the Statutes, powers or constitution of any Authority of the Vishva Vidyalaya until such Authority has been given an opportunity of expressing an opinion upon the proposal. Any opinion so expressed shall be in writing and shall be considered by the Shishta Parishad and shall be submitted to the Kulapati.

30. Ordinance.—(1) Subject to the provisions of this Act and the Statutes, the Ordinances may provide for any matter permitted by this Act or the Statutes to be provided for by Ordinances and for any other matter which the Karya Karini Parishad considers it advisable to provide for by Ordinances.

(2) Without prejudice to the generality of the power conferred to subsection (1), the Ordinances shall provide for the following matters, namely—

- (a) the admission of students to the Vishva Vidyalaya and the affiliated colleges and their enrolments and continuance as such ;
- (b) the courses of study to be laid down for all degrees and diplomas of the Vishva Vidyalaya ;
- (c) the conditions under which students shall be admitted to the degree, diploma or other courses and to the examinations of the Vishva Vidyalaya, and shall be eligible for the award of degrees and diplomas ;
- (d) the conditions of residence of the students of the Vishva Vidyalaya and the levying of fees for residence in hostels maintained by the Vishva Vidyalaya ;
- (e) the recognition of hostels and other places of residence for students not maintained by the Vishva Vidyalaya ;
- (f) the number, qualifications, emoluments and other conditions of service (including the age of retirement) of teachers and salaried officers, of the Vishva Vidyalaya, and the preparation and maintenance of records of their service and activities ;
- (g) the fees which may be charged by the Vishva Vidyalaya for any purpose ;

- (h) the formation of Departments of teaching in the Vishva Vidyalyaya and the assignment of subjects of study to them ;
- (i) the conditions and mode of appointment and the duties of examining bodies, examiners and moderators ;
- (j) the conduct of examinations ;
- (k) the remuneration and allowances, including travelling and daily allowances, to be paid to persons employed in connexion with the affairs of the University ;
- (l) the conditions of the award of fellowships, scholarships, student-ships, bursaries, medals and prizes ;
- (m) all other matters which by this Act or by the Statutes are required to be or may be provided for by the Ordinances.

31. Ordinances how made.—(1) Save as otherwise provided in this section, Ordinances shall be made by the Karya Karini Parishad and shall have effect from such date as the Parishad may direct :

Provided that no Ordinance shall be made.—

- (i) affecting the income or expenditure of the Vishva Vidyalyaya, unless a draft of such Ordinance has been submitted to the State Government and the State Government does not object ;
- (ii) affecting the admission of students or any course of study or laying down or affecting the qualifications required for admission to the course of study or examination for a degree of the University, or affecting the mode of appointment or duties of examiners or the conduct or standard of an examination, unless a draft of such Ordinance has been proposed or previously approved by the Vidvata Parishad.

(2) The Karya Karini Parishad shall not have power to amend any draft proposed by the Vidvata Parishad under sub-section (1) but may reject it or return it to the Vidvata Parishad for reconsideration either in whole or in part together with the amendments which the Karya Karini Parishad may suggest.

(3) All ordinances made by the Karya Karini Parishad shall be submitted, as soon as may be, to the Kulapati and the Shishta Parishad and shall be considered by the Shishta Parishad at its next meeting. The Shishta Parishad shall have power by a resolution passed by a majority of not less than two-thirds of the members present at such meeting to cancel any such Ordinance and such ordinances shall from the date of such resolution become void.

(4) The Kulapati may, at any time after an Ordinance has been considered by the Shishta Parishad, signify to the Shishta Parishad and the Karya Karini Parishad his disallowance of such Ordinance and from the date of receipt by the Prastota of intimation of such disallowance, such Ordinance shall become void.

(5) The Kulapati may direct that the operation of any Ordinance shall be suspended until he has had an opportunity of exercising his power of disallowance. An order of suspension under this sub-section shall cease to have effect on the expiration of one month from the date of such order, or on the expiration of 15 days from the date of consideration of the Ordinance by the Shishta Parishad whichever period expires later.

(6) Where the Karya Karini Parishad has rejected the draft of any Ordinance proposed by the Vidvata Parishad the Vidvata Parishad may appeal to the Shishya Parishad and thereupon the Shishya Parishad may, if it approves the draft and after obtaining the views of the Karya Karini Parishad make the Ordinance and submit it to the Kulapati. The Ordinance shall upon the Kulapati's signifying such approval thereof have effect from the date such approval is received by the Prastota.

32. Regulations.—(1) Every Authority of the Vishva Vidyalaya may make Regulations consistent with this Act, the Statutes and the Ordinances,—

- (a) laying down the procedure to be observed at its meetings and the number of members required to form a quorum ;
- (b) providing for all matters which by this Act, the Statutes or the Ordinances are to be prescribed by Regulations ; and
- (c) providing for any other matter solely concerning such Authority or Parishad and is not otherwise provided for by this Act, the Statutes or the Ordinances.

(2) Every Authority of the University shall make Regulation providing for the giving of notice to the members of such Authority of the dates of meetings and of the business to be considered at meetings and for the keeping of a record of the proceedings of meetings.

(3) The Karya Karini Parishad may direct the amendment in such manner as it may specify, of any Regulation made under this section or the annulment of any Regulation made under sub-section (1) by an Authority other than the Shishya Parishad :

Provided that any Authority which is dissatisfied with any such direction may appeal to the Kulapati, whose decision in the matter shall be final.

(4) The Karya Karini Parishad shall make Regulations laying down the courses of study for various examinations of the University but no such regulation shall be made unless a draft of the same has been proposed or previously approved by the Shiksha Sabha. The Karya Karini Parishad may not alter a draft received from the Vidvata Parishad but may reject the draft received or return it to the Vidvata Parishad for further consideration together with its own suggestions.

(5) No Regulation shall be made in respect of matters which are to be provided for by Statutes or Ordinances under this Act.

33. Admission to Vishva Vidyalaya Courses.—(1) No person shall be eligible for admission to a course of study for a degree of the Vishva Vidyalaya unless he has passed the Madhyama examination of the Government Sanskrit College, Banaras, or an examination instituted or recognized by the Vishva Vidyalaya, with the previous sanction of the State Government, as equivalent thereto, and possesses such further qualifications (if any) as may be prescribed by the Ordinances.

(2) Every student of the Vishva Vidyalaya who is enrolled for taking a course of study for a degree shall unless exempted by the Upa-Kulapati reside in a hostel or other place of residence recognized by the Vishva Vidyalaya for the purpose of residence of students.

34. Examination.—(1) Subject to the provisions of the Statutes and Ordinances the Karya Karini Parishad may issue general directions for the conduct of examinations of the Vishva Vidyalaya and shall appoint examiners and other functionaries therefor.

(2) Where any examiner appointed by the Karya Karini Parishad is, for any cause, unable to act as such, the vacancy shall be filled by the Upa-Kulapati.

(3) As nearly as possible one-half of the examiners appointed in each subject of study for a degree of the Vishva Vidyalaya, shall be persons not in the service of the Vishva Vidyalaya or of an affiliated college.

35. Annual Report.—(1) The Karya Karini Parishad shall each year cause to be prepared a report on the working of the Vishva Vidyalaya which shall among such other matters as may be prescribed furnish information as regards—

- (a) the number of students enrolled during the year in the Vishva Vidyalaya and the affiliated colleges for taking courses of study ;
- (b) the number of candidates offering for various examinations of the Vishva Vidyalaya and the number of candidates who pass such examinations ; and
- (c) the activities relating generally to the education, health and discipline of the students.

(2) The report shall be submitted to the Shishta Parishad on or before such date as may be prescribed and the Shishta Parishad shall thereupon consider it at its annual meeting. Any resolution passed thereon by the Shishta Parishad shall be forwarded to the Karya Karini Parishad which shall, unless it reports otherwise to the Shishta Parishad, take action as desired therein.

(3) A copy of the report together with the resolution, if any, of the Shishta Parishad and the report of the Karya Karini Parishad thereon shall be submitted to the State Government.

36. Annual Accounts and Budget.—(1) The annual accounts and balance-sheet of the Vishva Vidyalaya shall be prepared under the direction of the Karya Karini Parishad and all moneys accruing to or received by the Vishva Vidyalaya from whatever source and all amounts disbursed or paid shall be entered in the accounts.

(2) A copy of the accounts and the balance-sheet shall be submitted to the State Government which shall cause an audit to be carried out by auditors of repute and standing.

(3) The accounts when audited shall be printed and copies thereof shall, together with copies of the audit report, be submitted by the Karya Karini Parishad to the Shishta Parishad and the State Government.

(4) It shall be lawful for the State Government to require any person who is found to have spent or authorized the expenditure of funds in excess of the amounts provided in the budget or in violation of any provision of this Act, the Statutes or the Ordinances, to reimburse the amount so spent and the State Government may take all such steps as may be deemed necessary :

Provided that the State Government shall before requiring any person as aforesaid give him a reasonable opportunity of making a representation.

(5) The Karya Karini Parishad shall also prepare, before August 31 or such other date as may be prescribed the financial estimates for the ensuing year in this Act called the Budget.

(6) Every item of new expenditure, of or above such amount as may be prescribed which it is proposed to include in the Budget, shall be referred by the Karya Karini Parishad to the Artha Samiti which may make recommendations thereon.

(7) The Karya Karini Parishad shall, after considering the recommendation, if any, of the Artha Samiti, submit the Budget as finally approved by it to the Shishta Parishad with such recommendations.

(8) The annual accounts and the Budget shall be considered by the Shishta Parishad at its annual meeting, and the Shishta Parishad may pass resolutions with reference thereto and communicate the same to the Karya Karini Parishad :

Provided that where there has been a disagreement between the Karya Karini Parishad and the Artha Samiti upon any item of expenditure referred to it under sub-section (5), the decision of the Shishta Parishad thereon shall be final.

(9) Except in so far as any expenditure as aforesaid is incurred out of funds accruing under clause (d) of sub-section (1) of Section 23, it shall not be lawful for the Upa-Kulapati or the Karya Karini Parishad to incur any expenditure not sanctioned in the Budget.

37. Removal from Membership of the Vishva Vidyalaya.—(1) The Shishta Parishad may on the recommendations of not less than two-thirds of the members of the Karya Karini Parishad remove the name of any person from the Register of Graduates.

(2) The Shishta Parishad may remove any person from membership of any Authority of the Vishva Vidyalaya upon the ground that such person has been convicted of an offence which, in the opinion of the Shishta Parishad is a serious offence involving moral turpitude or upon the ground that he has been guilty of scandalous conduct or has behaved in a manner unbecoming of a member of the Vishva Vidyalaya, and may upon the same grounds withdraw from any person, any degree, diploma, or certificate conferred or granted by the Vishva Vidyalaya or by the Registrar, Sanskrit College Examinations, Varanasi.

38. Disputes as to constitution of Vishva Vidyalaya Authorities or Bodies.—If any question arises whether a person has been duly elected, appointed, or co-opted as, or is entitled to be a member of any Authority or other body of the Vishva Vidyalaya or whether any decision of the Vishva Vidyalaya or any Authority thereof is in conformity with this Act, the Statutes and the Ordinances, the matter shall be referred to the Kulapati whose decision thereon shall be final.

39. Filling of casual vacancies.—(1) All casual vacancies in the office of member (other than an *ex-officio* member) of any Authority or other body of the Vishva Vidyalaya shall be filled, as soon as conveniently may be, by the person or body who appointed, elected or co-opted the member whose office has become vacant and the person appointed, elected or co-opted to a casual vacancy shall be a member of such Authority or body for the residue of the term for which the person whose place he fills would have been a member.

(2) A person who is a member of an Authority of the Vishva Vidyalaya as a representative of another body shall retain his seat on the Vishva Vidyalaya Authority so long as he continues to be member of the body by which he was appointed or elected and thereafter till his successor is duly appointed.

40. Proceedings of Vishva Vidyalaya bodies not invalidated in certain circumstances.—No act or proceedings of any Authority or other body of the Vishva Vidyalaya shall be invalid merely by reason of the existence of a vacancy or vacancies among its members, or by reason of some person having taken part in the proceedings who is subsequently found not to have been entitled to do so.

41. Appointment of teachers of Vishva Vidyalaya and affiliated colleges.—Teachers of the Vishva Vidyalaya and of affiliated colleges shall be appointed in the manner and hold office on conditions, to be prescribed. Teachers shall be recognized by the Vishva Vidyalaya in the manner laid down in the Statutes.

42. Condition of service of officers and teachers.—(1) Every salaried officer and teacher of the Vishva Vidyalaya shall be appointed under a written contract, which shall be lodged with the Vishva Vidyalaya and a copy thereof furnished to the officer or teacher concerned.

(2) Any dispute arising out of a contract between the Vishva Vidyalaya and any officer or teacher thereof shall, at the request of the officer or teacher concerned or at the instance of the Vishva Vidyalaya, be referred to a Tribunal of Arbitration consisting of one member appointed by the Karya Karini Parishad, one member nominated by the officer or teacher concerned and an umpire appointed by the Kulapati and the decision of the Tribunal shall be final.

43. Pension and Provident Fund.—(1) The Vishva Vidyalaya shall constitute, for the benefit of its officers, teachers, clerical staff and servants, in such manner and subject to such conditions as may be prescribed such pension, insurance and provident fund as it may deem fit.

(2) Where any such scheme of provident fund has been so constituted or where any such scheme of provident fund has been constituted by an affiliated college under rules which have been approved by the State Government, the State Government may declare that the provisions of the Provident Funds Act, 1925, shall apply to such fund as if it were a Government Provident Fund.

44. Affiliated Colleges.—(1) Affiliated Colleges shall be such as may be named by the Statutes.

(2) It shall be lawful for an affiliated college to make arrangements with any other affiliated college situate in the same place or with the Vishva Vidyalaya for co-operation in the work of teaching.

(3) The conditions of affiliation of an affiliated college shall be such as may be prescribed or be imposed by the Karya Karini Parishad.

(4) Except as provided by this Act, the management of an affiliated college shall be free to manage and control the affairs of the College and be responsible for its maintenance and upkeep. The Principal of every such college shall be responsible for due maintenance of discipline in it.

(5) An affiliated college shall be inspected at intervals in the manner prescribed and a report of the inspection shall be made to the Karya Karini Parishad.

(6) The affiliation of an affiliated college may, with the previous sanction of the State Government, be withdrawn by the Karya Karini Parishad if it is satisfied, after considering any explanation furnished by the Management, that it has ceased to fulfil the conditions of its affiliation or

that it persists in making default in the performance of its duties under this Act or in the removal of any defects in its work pointed out by the Karyi Karini Parishad.

45. Reference to Government officers to be construed in case of change of designation, as reference to corresponding officers.—Where any provision of this Act or the Statutes, Ordinances or Regulations refers to any officer of the Government by designation, then, if that designation is altered or that office ceases to exist, the reference shall be construed as a reference to the altered designation, or, as the case may be, to such corresponding officer as the State Government may direct.

46. Transitory Provisions.—Notwithstanding anything contained in this Act, the Statutes and the Ordinances any student of the Government Sanskrit College, Banaras, or of any other college recognized for the Government Sanskrit College Examinations who, immediately before the commencement of this Act, was studying or eligible for the Shastri or Acharya examination of the said Sanskrit College shall be permitted to complete his course in preparation therefor and the University shall provide for the examination of such students in accordance with the prospectus of studies for the said examinations as in force before the commencement of this Act.

47. Government Sanskrit College, Varanasi to be transferred to and merged in the Vishva Vidyalaya.—The Government Sanskrit College, Varanasi, together with the library known as the Saraswati Bhavan shall be transferred to and be merged in the Vishva Vidyalaya.

48. Appointment of first Upa-Kulapati.—Notwithstanding anything contained in this Act or the Statutes it shall be lawful for the State Government at any time after this Act has been first published in the official *Gazette* to appoint an Upa-Kulapati and the person so appointed shall hold office for such period not exceeding three years in the aggregate as the State Government may direct and shall exercise all the powers and discharge all the functions of the Upa-Kulapati under this Act.

49. First appointment of Vishva Vidyalaya Staff.—Till such time as the Authorities of the Vishva Vidyalaya empowered in this behalf are duly constituted, and have appointed officers and teachers of the Vishva Vidyalaya—

- (a) the Registrar, Government Sanskrit College Examinations shall be the Prastota of the Vishva Vidyalaya ;
- (b) the Librarian of the Saraswati Bhavan Library shall be the Granthadhyaksha of the Vishva Vidyalaya ;
- (c) the teachers of the Government Sanskrit College, Varanasi, shall be teachers of the Vishva Vidyalaya ; and
- (d) a person appointed by the Kulapati shall be Koshadhyaksha of the Vishva Vidyalaya.

50. Removal of difficulties.—The State Government may for the purpose of removing any difficulties in relation to the enforcement of this Act and in the appointment or constitution of any officer or authority of the Vishva Vidyalaya by order published in the official *Gazette* direct that this Act shall, during such period as may be specified in the order, take effect subject to such adaptations whether by way of modification, addition or omission as it may deem fit to be necessary, or expedient and may make such other

temporary provision for the purpose of removing any such difficulty as it may deem to be necessary or expedient :

Provided that no such order shall be made after eighteen months from the date of the commencement of this Act.

THE U. P. ELECTRICITY (TEMPORARY POWERS OF CONTROL) (AMENDMENT AND MISCELLANEOUS PROVISIONS) ACT, 1956

(U. P. Act No. XXIX of 1956)

CONTENTS

Sections

1. Short title and commencement.
2. Amendment of Section 1 (4) of U. P. Act No. VI of 1947.

Sections

3. Amendment of Section 4 of Act IX of 1910.

[Authoritative English text of the Uttar Pradesh Electricity (Temporary Powers of Control) (Sanshodhan Tatha Prakirna Upbandh) Adhiniyam, 1956]

AN ACT

to amend the U. P. Electricity (Temporary Powers and Control) Act, 1947 and the Indian Electricity Act, 1910, for certain purposes

Whereas it is expedient to amend the U. P. Electricity (Temporary Powers of Control) Act, 1947, and the Indian Electricity Act, 1910, for the purposes hereinafter appearing :

It is hereby enacted in the Seventh Year of the Republic of India as follows :

Prefatory Note.—The Statement of Objects and Reasons runs as below :—

“1. The U. P. Electricity (Temporary Powers of Control) Act, 1947, provides for the continuance during a limited period, of powers to control the production, supply and distribution of, and trade and commerce in electricity. The necessity for enacting this law was that the demand for electricity far exceeded the supply. It was, therefore, considered necessary that Government should have the power to exercise control over the production, supply, distribution, etc., of electricity.

2. This Act is due to expire on September 30, 1956. The conditions of supply in bigger towns have considerably improved but in several other areas, the demand for energy is still higher than what the undertakings can supply. It is, therefore, necessary that this Act should be extended for a further period of two years.

3. For some time past, Government have been experiencing difficulties in dealing with situations arising from failure of licensees to discharge fully and efficiently the obligations imposed on them by their licences. Government have been faced with, complaints of inefficient staff, irregular supply of energy, threatened notices for closure of power houses for one reason or another. It has, therefore, become necessary to incorporate in the proposed Bill necessary provisions by amending Section 4 of the Indian Electricity Act, 1910. This would enable Government to take suitable action against such licensees so that an efficient supply of electricity may be ensured to the people of the State.

4. The proposed Bill has been introduced with the above objects in view. Vide U. P. Gaz. Extra. dated Sept. 1, 1956.

1. Short title and commencement.—(1) This Act may be called the Uttar Pradesh Electricity (Temporary Powers of Control) (Amendment and Miscellaneous Provisions) Act, 1956.

(2) It shall come into force at once.

Note.—The Act passed in Hindi by the Uttar Pradesh Legislative Assembly on September 6, 1956, and by the Uttar Pradesh Legislative Council on September 24, 1956.

Received the assent of the President on September 29, 1956, under Article 201 of the Constitution of India and was published in the *Uttar Pradesh Gazette Extraordinary*, dated September 30, 1956.

Published in the *Uttar Pradesh Gazette Extraordinary*, dated September 30 1956.

2. Amendment of Section 1 (4) of U. P. Act No. VI of 1947.—In sub-section (4) of Section 1 of the U. P. Electricity (Temporary Powers of Control) Act, 1947, for the figure “1956” the figure “1958” shall be substituted.

3. Amendment of Section 4 of Act IX of 1910.—In Section 4 of the Indian Electricity Act, 1910—

(1) for sub-section (2) the following shall be substituted :

“(2) Where the State Government might, under sub-section (1) revoke a licence, it may, instead of revoking the licence—

(i) permit it to remain in force subject to further terms and conditions as it thinks fit to impose, and, any, further terms or conditions so imposed shall be binding upon, and be observed by the licensee, and shall be of like force and effect as if they were contained in the licence, or

(ii) issue any direction for the execution of the work by the licensee or by any other person for and on behalf and at the cost of the licensee and any such direction shall be binding upon the licensee and be complied by him.”

(2) after sub-section (2) the following shall be added as a new sub-section (2-A) :

“(2-A) Any expenditure incurred by such other person in execution of any work under and in pursuance of the directions issued under clause (ii) of sub-section (2) shall be realizable from the licensee as an arrear of land revenue.”

THE UTTAR PRADESH REPEALING AND AMENDING ACT, 1956

(U. P. Act No. XXX of 1956)

CONTENTS

Sections

1. Short title and commencement.
2. Repeal of certain enactments.
3. Amendment of certain enactments.

Sections

4. Savings.

SCHEDULES

[*Authoritative English Text of the Uttar Pradesh Nirsan Tatha Sanshodhan Adhiniyam, 1956*]

AN ACT

to repeal certain enactments and to amend certain other enactments

Whereas it is expedient that certain enactments which are practically obsolete should be expressly and specifically repealed ;

And whereas it is expedient that certain amendments should be made in certain other enactments ;

It is hereby enacted in the Seventh Year of the Republic of India as follows :

Prefatory Note.—The Statement of Objects and Reasons runs as follows :—

"The Bill is intended to remove from the Statute Book certain enactments which have become practically obsolete and to make certain minor amendments in the Acts included in the Second Schedule. Most of these amendments correct all errors detected in these enactments.

The Notes which follow explain the clauses of the Bill and give the reasons for the amendments proposed in the enactments mentioned in the Second Schedule." Vide U. P. Gaz. Extra. dated March 9, 1956.

NOTES ON CLAUSES

1. *Clause 2 and First Schedule.*—The enactments mentioned in the First Schedule are practically obsolete and it is therefore proposed to repeal them,

2. *Clause 3 and Second Schedule.*—In Avadh the "Collectors" are called "Deputy Commissioners". It is proposed to have a common nomenclature. The "Deputy Commissioners" in Oudh districts will also be called "Collectors". Sub clause (2) of this clause and amendments at serial Nos. 1 and 2 of the Second Schedule are with this object in view.

(2) The amendment proposed in Section 9 of the U. P. Town Areas Act, 1914, is of a consequential nature. Similar amendments were made in sub-section (2) of Section 9 and in Section 10 by U. P. Act VI of 1948.

(3) The amendments proposed in the U. P. Veterinary Council Act, 1947, the U. P. Panchayat Raj Act, 1947, the U. P. Town Areas (Amendment) Act, 1948, the U. P. Town Improvements (Adaptation) Act, 1948, the Code of Criminal Procedure (U. P. Amendment) Act, 1949, and the Hastinapur Town Development Board Act, 1954, are to correct minor errors of a clerical nature.

3. *Clause 4*—This provides for usual "savings".

1. Short title and commencement.—(1) This Act may be called the Uttar Pradesh Repealing and Amending Act, 1956.

(2) It shall come into force at once.

Note.—The Act was passed in Hindi by the Uttar Pradesh Legislative Council on March 21, 1956, and by the Uttar Pradesh Legislative Assembly on August 14, 1956.

Received the assent of the President on September 29, 1956, under Article 201 of the Constitution of India and was published in the Uttar Pradesh Gazette Extraordinary, dated October 1, 1956.

Published in the Uttar Pradesh Gazette Extraordinary, dated October 1, 1956.

2. Repeal of certain enactments.—The enactments specified in the First Schedule are hereby repealed to the extent mentioned in the fourth column thereof.

3. Amendment of certain enactments.—(1) The enactments specified in the Second Schedule are hereby amended to the extent and in the manner mentioned in the fifth column thereof.

(2) Any reference in any enactment to "Deputy Commissioner" as executive head of the district shall mean the Collector of the District.

4. Savings.—The repeal by this Act of any enactment shall not affect any other enactment in which the repealed enactment has been applied, incorporated or referred to ;

and this Act shall not affect the validity, invalidity, effect or consequences of anything already done or suffered, or any right, title, obligation or liability already acquired, accrued or incurred, or any remedy or proceeding in respect thereof or any release or discharge of or from any debt, penalty, obligation, liability, claim or demand, or any indemnity already granted or the proof of any past act or things ;

nor shall this Act affect any principle or rule of law, or established jurisdiction, form or course of pleading, practice or procedure, or existing usage, custom, privilege, restriction, exemption,

office or appointment, notwithstanding that the same respectively may have been in any manner affirmed, recognized or derived by, in or from any enactment hereby repealed ;
 nor shall the repeal by this Act of any enactment revive or restore any jurisdiction, office, custom, liability, right, title, privilege, restriction, exemption, usage, practice, procedure or other matter or thing not now existing or in force.

THE FIRST SCHEDULE

Repeals

(See Section 2)

Serial No.	Year	Number	Short title	Extent of repeal
1	2	3	4	5
1	1845	I	Sales of Land for Revenue, Arrears, 1845	.. Whole.
2	1847	I	Act relating to Boundaries, 1847	.. Do.
3	1850	XXVI	Act relating to Improvements in Towns, 1850	.. Do.
4	1863	XIX	Act relating to partition of Revenue paying Estates, 1863	Do.
5	1868	XXIV	Inoculation, Kumaon and Garhwal, 1868	.. .. Do.

THE SECOND SCHEDULE

(See Section 3)

Serial No.	Year	Number	Short title	Amendments
1	2	3	4	5
1	1873	VIII	The Northern India Canal and Drainage Act, 1873.	Sub-section (6) of Section 3 for the words "a Deputy Commissioner or other" the word "an" shall be substituted.
2	1894	I	The Land Acquisition Act 1894.	In clause (c) of Section 3 the words "a Deputy Commissioner and" shall be deleted.
3	1914	II	The U. P. Town Areas Act, 1914.	In sub-section (3) of Section 9, between the words "confirmation by" and "the District Magistrate" the words "the prescribed authority or if none is appointed" shall be inserted.
4	1947	XX	The U. P. Veterinary Council Act, 1947.	(i) In Section 5, for the figures "36" the figures "35" shall be substituted. (ii) In sub-section (1) of Section 26, for the word "register" occurring between the words "from the" and "or otherwise" the word "Registrar" shall be substituted

Serial No.	Year	Number	Short title	Amendments
1	2	3	4	5
				(iii) In Section 32, between the words "by public" and "local funds" the word "or" shall be inserted.
5	1947	XXVI	The U. P. Panchayat Raj Act, 1947.	In clauses (a), (b) and (c) of sub-section (1) of Section 95, for the words "or a Nyaya Panchayat" the words "Committee or a Nyaya Panchayat" shall be substituted.
6	1948	VI	The United Provinces Town Areas (Amendment) Act, 1948.	In Section 6, the word and figures "Section 14" shall be omitted.
7	1948	XL	The U. P. Provincial Armed Constabulary Act, 1948.	For the words "Provincial Armed Constabulary" wherever they occur the words "the Pradeshik Armed Constabulary" shall be substituted.
8	1948	XLVII	The U. P. Town Improvement (Adaptation) Act, 1948.	In the Schedule— (1) the existing adaptation to Section 7 shall be renumbered as (i) and thereafter the following shall be added : “(ii) For the words 'the said sub-section' the words and figures 'sub-section (1) of Section 4' shall be substituted.” (2) For the existing clause (ii) of the adaptations to Section 12 the following shall be substituted : “(ii) In sub-section (3) the words 'or elected' and 'elected or' and the proviso shall be omitted ” (3) In the proviso to sub-section (2) of Sections 6, 7-E, for the words and figures "sub-section (1)" the words and figure "sub-section (2)" shall be substituted.
9	1949	VIII	The Code of Criminal Procedure (U. P. Amendment) Act, 1949.	In Section 3, in Para 3 of the form of the warrant, for the words "him safe to keep" the words "to keep him safely" shall be subs.
10	1955	XIV	The Hastinapur Town Development Board Act, 1954.	In sub-section (1) of Section 5 for the words, brackets and figures "sub-section (2) of Section 4" the words, brackets and figure "sub-section (a)" shall be subs.

THE U. P. SALES TAX (SECOND AMENDMENT) ACT, 1956

(U. P. Act No. XXXI of 1956)

CONTENTS

Sections

1. Short title and commencement.
2. Amendment of Section 10 of U. P. Act

Sections

- XV of 1948.
3. Pending Proceedings.

[*Authoritative English text of the Uttar Pradesh Bikri-kar (Dwitiya Sanshodhan) Adhiniyam, 1956*]

AN ACT

to amend the U. P. Sales Tax Act, 1948, for certain purposes

Whereas it is expedient to amend the U. P. Sales Tax Act, 1948, for the purposes hereinafter appearing :

It is hereby enacted in the Seventh Year of the Republic of India as follows :

Prefatory Note.—For Statement of Objects and Reasons, runs as below :—

"Sub-section 3 of Section 10 of the U. P. Sales Tax Act, 1948 (U. P. Act XV of 1948), as it stood prior to its amendment by the U. P. Sales Tax (Amendment) Act, 1956 (U. P. Act XIX of 1956), authorized the Judge (Revisions), Sales Tax to go into question both of fact and law in revisions coming up before it. Under the amended sub-section (3), however, a revision could be entertained on a question of law alone. The Sales Tax Committee appointed by the Government have recommended that the position as it existed till March 31, 1956, should be restored. The Government have accepted the above recommendation. This Bill is accordingly introduced." Vide *U. P. Gazette*, Extra dated August 24, 1956.

1. Short title and commencement.—(1) This Act may be called the U. P. Sales Tax (Second Amendment) Act, 1956.

(2) It shall come into force at once.

Note.—The Act was passed in Hindi by the Uttar Pradesh Legislative Assembly on September 4, 1956 and by the Uttar Pradesh Legislative Council on September 25, 1956.

Received the assent of the Governor on September 30, 1956, under Article 200 of the Constitution of India and was published in the *Uttar Pradesh Gazette (Extraordinary)* dated October 1, 1956.

Published in the *Uttar Pradesh Gazette Extraordinary*, dated October 1, 1956.

2. Amendment of Section 10 of U. P. Act XV of 1948.—For clause (i) of sub-section (3) of Section 10 of the U. P. Sales Tax Act, 1948 (hereinafter called the Principal Act), the following shall be and be deemed to have been substituted on and from the first day of April, 1956.

"(i) The Revising Authority may, for the purposes of satisfying itself as to the legality or propriety of any order made by any appellate or assessing authority under this Act, in its discretion, call for and examine, either on its own motion or on the application of the Commissioner of Sales Tax or the person aggrieved, the record of such order and pass such order as it may think fit :

Provided that no such application shall be entertained in any case where an appeal lay against the order but was not preferred."

3. Pending Proceedings.—Notwithstanding any amendment made in sub-section (3) of Section 10 of the Principal Act by Section 10 of the

U. P. Sales Tax (Amendment) Ordinance, 1956, or by Section 12 of the U. P. Sales Tax (Amendment) Act, 1956, all proceedings under sub-section (3) aforesaid, commenced whether upon the application of a person aggrieved or otherwise, pending before a Revising Authority at the commencement of this Act shall be heard and decided as if the amendment made by Section 2 of this Act had been in force on all material dates.

THE U. P. SALES TAX THIRD AMENDMENT ACT, 1956

(U. P. Act No. XXXII OF 1956)

CONTENTS

Sections

1. Short title and commencement.
2. Amendment of Section 4 of U. P. Act

Sections

XV of 1948.

[Authoritative English text of the Uttar Pradesh Bikri-Kar (Tritiya Sanshodhan) Adhiniyam, 1956]

AN ACT

to amend further the U. P. Sales Tax Act, 1948, for certain purposes

Whereas it is expedient to amend further the U. P. Sales Tax Act, 1948, for the purposes hereinafter appearing :

It is hereby enacted in the Seventh Year of the Republic of India as follows :

Prefatory Note.—The Statement of Objects and Reasons runs as below :—

“With effect from April 1, 1956, the rates of sales-tax on certain goods were enhanced and exemptions in respect of certain others were cancelled. It has been represented to the Government that the revised rates of sales-tax are working harshly against the interests of certain classes of dealers, particularly foodgrains dealers, and a specified amount might instead be realized. Government have considered these representations and have decided that in the case of certain goods, exemption from tax should be granted on the payment of a suitable exemption fee at a graded scale under Section 4 of the U. P. Sales Tax Act, 1948, which empowers the State Government to do so. The section, however, prescribes a maximum limit of Rs. 4,000 for the exemption fee. This maximum places the dealers in higher turn-over groups in an advantageous position. It has accordingly been further decided to raise this maximum limit of exemption fee from Rs. 4,000 to Rs. 8,000.

The Bill is, therefore, introduced”. Vide U. P. *Gazette Extraordinary*, dated September 3, 1956.

1. Short title and commencement.—(1) This Act may be called the U. P. Sales Tax (Third Amendment) Act, 1956.

(2) It shall come into force at once.

Note.—The Act was passed in Hindi by the Uttar Pradesh Legislative Assembly on September 8, 1956, and by the Uttar Pradesh Legislative Council on September 25, 1956.

Received the assent of the Governor on September 30, 1956, under Article 200 of the Constitution of India and was published in the *Uttar Pradesh Gazette Extraordinary*, dated October 1, 1956.

Published in the *Uttar Pradesh Gazette Extraordinary*, dated October 1, 1956.

2. Amendment of Section 4 of U. P. Act XV of 1948.—In clause (b) of sub-section (1) of Section 4 of the U. P. Sales Tax Act, 1948, for the words “four thousand rupees” the words “eight thousand rupees” shall be substituted.

THE U. P. TEMPLE ENTRY (DECLARATION OF RIGHT) ACT, 1956

(U. P. ACT No. XXXIII OF 1956)

CONTENTS

Sections

1. Short title, extent and commencement.
2. Definitions
3. Declaration of right to offer worship in temple.
4. Courts not to recognize untouchability.

Sections

5. Worship in temples not to be actionable.
6. Bar to suits and proceedings contrary to rights declared by the Act.
7. Effect of provisions inconsistent with other enactments.
8. Power to make rules.

[Authoritative English Text of the Uttar Pradesh Mandir Pravesh (Adhikar Ghoshana) Adhiniyam, 1956]

AN ACT

for the declaration of the right of all classes and sections of Hindus to enter Hindu temples in the State of Uttar Pradesh and offer worship therein, and for certain connected matters

Whereas "Untouchability" was abolished by the Constitution and its practice in any form is forbidden ;

And whereas for settling doubts as to the right of persons of the depressed classes regarding temple entry it is necessary to declare by law the removal of all disabilities in that behalf on any or all classes of Hindus ;

It is hereby enacted in the Seventh Year of the Republic of India as follows :—

Prefatory Note.—The following extract from the Statement of Objects and Reasons, as attached to the bill is given below :—

"Untouchability was abolished by Article 17 of the Constitution of India and its practice in any form is forbidden. As contemplated by the said Article along with Article 35, Parliament has already enacted the Untouchability Offences Act, 1955, prescribing punishments for offences connected therewith. In spite, however, of the abolition of untouchability, some sections of the public continue to urge that certain classes do not have the right to enter Hindu Temples or other places of religious worship in the same way as other members of the community. This is sought to be urged on basis of custom, usage or practice supposed to be contained in Shastras. This is not legally true in view of Article 17 aforesaid. Religious worship, being an important right of one individual, the Government consider that any doubts which might still exist in respect thereof on the ground of untouchability should be finally removed. This Bill is accordingly introduced to assure to every member of the depressed classes the right to enter every Hindu Temple and offer and participate in worship in the same manner and to the same extent as Hindus in general or any section of Hindus". Vide U. P. Gaz. Extra. dated July 24, 1956.

1. Short title, extent and commencement.—(1) This Act may be called the Uttar Pradesh Temple Entry (Declaration of Right) Act, 1956.

(2) It shall extend to the whole of Uttar Pradesh.

(3) It shall come into force at once.

Note.—The Act was passed in Hindi by the Uttar Pradesh Legislative Assembly on August 3, 1956, and by the Uttar Pradesh Legislative Council on August 10, 1956.

Received the assent of the President on October 1, 1956, under Article 201 of the Constitution of India and was published in the *Uttar Pradesh Gazette (Extraordinary)* dated October 4, 1956.

Published in the *Uttar Pradesh Gazette (Extraordinary)* dated October 4, 1956.

2. Definitions.—In this Act, unless there is anything repugnant in the subject or context—

- (a) “Depressed class” means any caste or class of the Hindu community which, by reason of any custom, usage or practice, is excluded from entering a temple or from offering worship therein.
- (b) “Hindu” shall include all persons professing the Buddhist, Sikh or Jaina religion or persons professing the Hindu religion in any of its forms or developments including Virashaivas, Lingayats, Adivasis, followers of Brahmo, Prarthana, Arya Samaj and the Swami Narayan Sampraday.
- (c) “Temple” means a place by whatever name known, which is dedicated to, or the benefit of, or use as of right by, the Hindu community or any *denomination* thereof as a place of religious worship and includes subsidiary shrines, *maths*, *devasthans*, *shivalas*, *mandapams* and all lands appurtenant to such temple.
- (d) “Worship” means such religious service as the bulk of the worshippers offers or may offer or participate in, in a temple and includes—
 - (i) bathing in and the use of the waters of any sacred tank, well, spring or watercourse appurtenant to the temple whether situated within or outside the precincts thereof ;
 - (ii) the passing over any sacred place, including a hill or hillock or a road, street or pathway which is requisite for obtaining access to the temple.

3. Declaration of right to offer worship in temple.—Despite the abolition of “Untouchability” by Article 17 of the Constitution, doubts have sometimes continued to be expressed as to the right of certain sections of Hindus to offer and participate in the worship in a Hindu temple, it is, therefore, hereby declared that—

- (a) notwithstanding anything in any law, custom, usage or practice to the contrary, every Hindu irrespective of the caste or sect to which he belongs shall be entitled to enter any Hindu temple and offer and participate in worship therein in the same manner and to the same extent as Hindus in general or any section of Hindus ;
- (b) every custom, usage and practice which directly or indirectly imposes any disability on or otherwise prevents any person of the depressed classes to enter or offer or participate in any worship in a Hindu temple on the ground of “Untouchability” shall and be always deemed to be void and inoperative.

4. Courts not to recognize untouchability.—No court or other authority shall in any suit or proceedings, whether pending at the commencement of this Act or instituted subsequently, take notice of or otherwise recognize any custom, usage or practice as is referred in clause (b) of Section 3, and subject to the provisions of Section 6, every such suit or proceeding shall be decided as if the custom, usage or practice had not been in existence at any material date.

5. Worship in temples not to be actionable.—No person, being a Hindu, who enters a Hindu temple or offers or participates in worship in any

such temple shall by reason only of such entry, worship or participation be deemed to have committed any actionable wrong or offence or be sued or prosecuted therefor.

6. Bar to suits and proceedings contrary to rights declared by the Act.—(1) No civil court shall entertain or continue any suit or proceeding or shall pass any decree or order or execute wholly or partially any decree or order, if the claim involved in such suit or proceeding or if the passing of such decree or order or if such execution would in any way be contrary to the rights herein by this Act declared.

(2) Without prejudice to the generality of the provisions of subsection (1) every suit pending at the commencement of this Act, whether in the court of the first instance, appeal or revision, for damages, injunction or declaration or for any other relief on the ground that entry or worship or participation in worship by a person of the depressed classes in a Hindu temple is against any law, custom, usage or practice or for the exclusion of such classes from such entry, worship or participation, shall be and is hereby abated and every injunction, whether in any interlocutory proceeding or otherwise issued or granted in any such suit or proceeding shall likewise be and is hereby discharged, any provision in the Code of Civil Procedure, 1908, notwithstanding.

7. Effect of provisions inconsistent with other enactments.—The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

8. Power to make rules.—The State Government may make rules for the carrying out of the purposes of this Act.

UTTAR PRADESH APPROPRIATION (FIRST SUPPLEMENTARY 1956-57) ACT, 1956

(U. P. Act No. XXXIV of 1956)

CONTENTS

Sections	Sections
1. Short title.	for the year 1956-57.
2. Issue of Rs. 1,25,28,400 out of the Consolidated Fund of Uttar Pradesh	3. Appropriation.

[Authoritative English text of 1956 ka Uttar Pradesh Viniyog (1956-57) ka Pratham Poorak Adhiniyam]

AN ACT

to authorize payment and appropriation of certain sums from and out of the Consolidated Fund of the State to the service of the year ending thirty-first day of March, 1957

Whereas it is expedient to authorize payment and appropriation of certain sums from and out of the Consolidated Fund of the State to the service of the year ending on the thirty-first day of March, 1957 ;

It is hereby enacted in the Seventh Year of the Republic of India as follows :

Prefatory Note.—For Statement of Objects and Reasons, please see *Uttar Pradesh Gazette Extraordinary*, dated October 20, 1956.

Passed in Hindi by the Uttar Pradesh Legislative Assembly on October 10, 1956, and by the Uttar Pradesh Legislative Council on October 11, 1956.

Received the assent of the Governor on October 15, 1956, under Article 200 of the Constitution of India and was published in the *Uttar Pradesh Gazette Extraordinary*, dated October 17, 1956.

Published in the *Uttar Pradesh Gazette Extraordinary*, dated October 17, 1956.

1. Short title.—This Act may be called the Uttar Pradesh Appropriation (First Supplementary 1956-57) Act, 1956.

2. Issue of Rs. 1,25,28,400 out of the Consolidated Fund of Uttar Pradesh for the year 1956-57.—From and out of the Consolidated Fund of Uttar Pradesh there may be paid and applied sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of Rs. 1,25,28,400 (rupees one crore, twenty-five lakhs, twenty eight thousand and four hundred only) towards defraying the several charges which will come in course of payment during the year ending on the thirty-first day of March, 1957, in respect of the services and purposes specified in column 2 of the Schedule.

3. Appropriation.—The sums authorized to be paid and applied from and out of the Consolidated Fund of Uttar Pradesh by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the year ending on the thirty-first day of March, 1957.

THE U. P. STATE LEGISLATURE MEMBERS (LIFE INSURANCE) (PREVENTION OF DISQUALIFICATION) ACT, 1956

(U. P. ACT No. XXXV OF 1956)

CONTENTS

Sections

1. Short title and commencement,
2. Definition,

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3. Prevention of disqualification of membership of State Legislature,

[Authoritative English text of the Uttar Pradesh Rajya Vidhan Mandal Sadasya (Jeewan Beema) (Anarhuta Nivaran Adhiniyam), 1956]

AN ACT

to declare that an office of profit under an insurer, the management of whose controlled business has vested in the Central Government, shall not disqualify its holder for being chosen as, or for being a member of the U. P. State Legislature

Whereas it is necessary to declare that an office of profit under an insurer, the management of whose controlled business has vested in the Central Government, shall not disqualify its holder for being chosen as, or for being a member of the U. P. State Legislature ;

It is hereby enacted in the Seventh Year of the Republic of India as follows :

Prefatory Note.—The Statement of Objects and Reasons as attached to the bill is given below :—

“The Life Insurance (Emergency Provisions) Act, 1956, provides for taking over of the management of Life Insurance pending nationalization thereof. Section 15 of the aforesaid Act provides that no person who holds any office of profit under an insurer, the management of whose controlled business has vested in the Central Government under that Act, shall be disqualified or ever to have been disqualified, for being chosen as, or for being, a member of either House of Parliament.

It has been represented that the members of the State Legislature may also be suffering under a similar disability which should be removed by law enacted in pursuance of Article 91 (1) (a) of the Constitution.

The Bill is being introduced with the above objects in view." Vide U. P. Gaz. Extra dated July 28, 1956.

1. Short title and commencement.—(1) This Act may be called the U. P. State Legislature Members (Life Insurance) (Prevention of Disqualification) Act, 1956.

(2) It shall come into force at once.

Note.—The Act was passed in Hindi by the Uttar Pradesh Legislative Assembly on August 14, 1956, and by the Uttar Pradesh Legislative Council on October 5, 1956.

Received the assent of the Governor on October 26, 1956, under Article 200 of the Constitution of India and was published in the *Uttar Pradesh Gazette Extraordinary*, dated October 30, 1956.

Published in the *Uttar Pradesh Gazette Extraordinary*, dated October 30, 1956.

2. Definition.—In this Act, unless there is anything repugnant in the subject or context—

(a) the expression "Central Government" shall have the meaning assigned to it in the General Clauses Act, 1897; and

(b) the expression "controlled business" and "insurer" shall have the meaning assigned to them in the Life Insurance (Emergency Provisions) Act, 1956.

3. Prevention of disqualification of membership of State Legislature.—It is hereby declared that no person who holds an office of profit under an insurer, the management of whose controlled business has vested in the Central Government under the Life Insurance (Emergency Provisions) Act, 1956, shall be disqualified or ever to have been disqualified for being chosen as, or for being, a member of either House of the Uttar Pradesh Legislature.

THE HINDI SAHITYA SAMMELAN (REORGANIZATION) ACT, 1956

(U. P. ACT No. XXXVI OF 1956 as amended by U. P. Act No. XXI of 1957)

CONTENTS

Sections

1. Short title and commencement.
2. Definition.
3. Establishment and incorporation of the Sammelan.
4. Aims and objects of the Sammelan.
5. Powers and functions.
6. Vesting of rights and properties.
7. Niyamawali.
8. Constitution of the Interim Board.
9. Interim Board to take over charge of management of the Sammelan and its

Sections

- properties.
10. List of First Members.
11. Framing of the first Niyamawali.
12. Constitution of Shyahi Samiti by the Interim Board.
13. Power of the Interim Board.
14. Handing over administration and property.
15. Abatement of suits and proceedings.
16. Powers of the State Government to remove difficulties.

[Authoritative English text of the Hindi Sahitya Sammelan (Punahsanghatan) Adhiniyam, 1956]

AN ACT

to reorganize and reconstitute the Hindi Sahitya Sammelan

Whereas the Hindi Sahitya Sammelan was incorporated in the year 1911 under the Societies Registration Act, 1860;

Whereas it is expedient to reorganize and reconstitute it;

It is hereby enacted in the Seventh Year of the Republic of India as follows:

Prefatory Note.—The Statement of Objects and Reasons as attached to the Bill is given below:—

“The Hindi Sahitya Sammelan is the most representative institution of the Hindi literati and workers in the cause of Hindi. Its first session was held in 1910 under the presidency of Pandit Madan Mohan Malaviya. It was registered in 1911 as a Society under the Societies Registration Act (XXI of 1860). During the forty-five years of its existence it has done notable work for the progress of Hindi. Its last session, which was the thirty-eighth in number, was held in 1950. Since the inception of Hindi Sahitya Sammelan most of the famous Hindi literateurs and workers have been in some manner connected with the Hindi Sahitya Sammelan. It counts among its presidents distinguished men who have held the highest positions in the public life of our country.

After its last session in 1950, legal disputes arose in regard to the working of the Sammelan which led to the appointment of a Receiver. Litigation has now been going on for about five years and there is no knowing when it will end. The routine business of the Sammelan has been carried on under the general supervision of the Receiver but the progress of the Sammelan as a virile institution looking after the needs of Hindi in various branches of national activity has been checked. The purpose of this Bill is that the Sammelan be placed on a sound footing so that it may be free to carry on future work for the progress of Hindi and the solution of various problems connected with the Hindi language.

This bill creates an Interim Board for framing the future Niyamawali of the Sammelan in accordance with which its governing body, the Sthai Samiti, may be formed. It will also take over immediate charge of the Sammelan's administration. When the Sthai Samiti is formed it will take up the responsibility of carrying on the Sammelan and then the Interim Board will be automatically dissolved.” Vide U. P. Gazette Extra. dated April 7, 1956.

Note.—The Act was passed in Hindi by the Uttar Pradesh Legislative Assembly on August 23, 1956, and by the Uttar Pradesh Legislative Council on October 9, 1956.

Received the assent of the Governor on November 14, 1956, under Article 200 of the Constitution of India and was published in the *Uttar Pradesh Gazette Extraordinary* dated November 21, 1956.

Published in the *Uttar Pradesh Gazette Extraordinary* dated November 21, 1956.

1. Short title and commencement.—(1) This Act may be called the Hindi Sahitya Sammelan (Reorganization) Act, 1956.

(2) It shall come into force on such date as the State Government may, by notification in the official *Gazette*, appoint in this behalf.

Note.—The Act came into force w. e. f. Nov. 21, 1956 vide Notification No. 5159/XV-607 (16)-1956 dated Nov. 21, 1956, published in U. P. Gaz. Extra. of the same date.

2. Definition.—In this Act, unless there is anything repugnant in the subject or context:

(a) “Interim Board” means the Interim Board established under Section 8 of this Act;

(b) “Interim period” means the period between the date of commencement of this Act and the cessation of the Interim Board in accordance with the provisions of Section 14 of this Act;

(c) “Niyamawali” means the Niyamawali framed or amended under and in accordance with the provisions of Section 7 and includes the Niyamawali framed under and in pursuance of Section 11;

(d) “Sammelan” means the Hindi Sahitya Sammelan constituted under Section 3, and

(e) "Sthayi Samiti" means the Sthayi Samiti constituted in accordance with the Niyamawali.

3. Establishment and incorporation of the Sammelan.—(1) The first members of the Sammelan and all persons who may hereafter become members thereof so long as they continue to be members and such bodies as may be constituted by the Sammelan for its purposes, in accordance with the Niyamawali are hereby constituted a body corporate under the name of Hindi Sahitya Sammelan.

(2) The Sammelan shall have perpetual succession and a common seal and shall sue and be sued by the said name.

(3) The Head Office of the Sammelan shall be at Allahabad.

(4) The first members of the Sammelan shall consist of—

(a) persons who, on the date immediately preceding the date of commencement of this Act, were *Vishisht Sadasya* of the Hindi Sahitya Sammelan registered under the Societies Registration Act, 1860 (hereinafter called the Society);

(b) persons who, on the aforesaid date were *Sthayi Sadasya* of the said Society;

(c) persons who have been Presidents of the Society, and

(d) persons who were awarded the Mangla Prasad Paritoshik by the Society.

(5) The subsequent membership of the Sammelan shall be in accordance with the Niyamawali.

4. Aims and objects of the Sammelan.—The aims and objects of the Sammelan shall be :

(1) to work for the promotion, development and advancement of Hindi language, Hindi literature and Devnagri Script in India and foreign countries;

(2) to create, print and publish Hindi literature;

(3) to arrange for the holding of examinations through the medium of Hindi language and to confer degrees;

(4) to establish and maintain schools, colleges and other institutions for instructions in Hindi language and literature and also to affiliate schools, colleges and other institutions for its examinations;

(5) to affiliate institutions having for their object the promotion of Hindi language and literature;

(6) to award honorary and other degrees and academic distinctions to persons who may have rendered distinguished service to the cause of Hindi;

(7) to confer Paritoshiks on distinguished scholars in Hindi;

(8) to promote and encourage research in connection with Hindi language and literature, and

(9) to take all other steps which may seem necessary and suitable for the fulfilment of the aforesaid aims and objects.

5. Powers and functions.—The Sammelan shall perform its duties and discharge its functions in accordance with the provisions of the Niyamawali.

6. Vesting of rights and properties.—(1) The Society shall, as from the date of commencement of this Act, cease to exist and function as such.

(2) As from the commencement of this Act—

- (a) all rights and all properties movable or immovable which, prior to the said commencement, vested in or belonged to the said Society shall vest in and belong to the Sammelan established by this Act;
- (b) all the debts and liabilities of the said Society shall be transferred to the Sammelan and shall there after be discharged and satisfied by it out of the aforesaid properties;
- (c) any reference to the Society in any instrument, will, deed or document, of whatever nature, including deeds containing any bequest, gift or trust, executed prior to the said commencement in favour of the said Society, shall be construed as references to the Sammelan established by this Act, and
- (d) all schools, colleges and other institutions affiliated with the Society prior to the said commencement shall become affiliated to the Sammelan on the same terms and conditions unless otherwise specified by the Sammelan.

7. Niyamawali.—(1) The Sammelan may frame a Niyamawali for the purpose of carrying into effect the provisions of this Act :

Provided that the first Niyamawali shall be framed in accordance with the provisions of Section 11.

(2) The Niyamawali shall provide for the constitution and establishment of a *Sthayi Samiti* which shall be the governing body of the Sammelan.

(3) Without prejudice to the generality of the foregoing provisions the Niyamawali may provide for all or any of the following matters, namely—

- (a) the matters relating to membership, including qualifications, disqualifications, resignation and cessation of members of the Sammelan;
- (b) the powers and functions of the *Sthayi Samiti*;
- (c) the matters relating to the constitution establishment, powers and functions of the Committees and Authorities of the Sammelan;
- (d) the conduct of elections for the constitution of the *Sthayi Samiti* and other Committees and Authorities provided in the Niyamawali and the decision on doubts and disputes at or in connection with the said elections;
- (e) the manner and the procedure for the discharge of duties, performance of functions and exercise of powers by the Sammelan, the *Sthayi Samiti* Committees and other Authorities provided under the Niyamawali;
- (f) establishment and maintenance of a fund for carrying out the aims and objects of the Sammelan;
- (g) the manner and the procedure of application of, and payment from, the fund referred to in clause (f);
- (h) the procedure and the forms for the maintenance of books of accounts and other registers and statements for the purposes of this Act;
- (i) the appointment, control and other conditions of service of the paid employees of the Sammelan;

- (j) the conduct of correspondence, execution of documents and contracts for and on behalf of the Sammelan, the *Sthayi Samiti* and other Committees and Authorities provided in the Niyamawali ;
- (k) the conduct and prosecution of suits and proceedings by or against the Sammelan, the *Sthayi Samiti* and other Committees or Authorities ;
- (l) the matters relating to the affiliation of schools, colleges and other institutions ;
- (m) the matters relating to the award of degrees and academic distinctions ;
- (n) the matters relating to the conferment of Paritoshiks ;
- (o) the procedure for the amendment of the Niyamawali ; and
- (p) generally for such other matters which the Sammelan may consider necessary for carrying out its aims and objects.

(4) The Sammelan shall have powers to amend, from time to time the Niyamawali including the first Niyamawali framed under Section 11 in accordance with the procedure prescribed therein.

(5) A copy of the Niyamawali and the amendments made therein from time to time shall be forwarded to the State Government as soon as they are made.

8. Constitution of the Interim Board.—(1) There shall be established an Interim Board for the purposes of—

- (a) framing the first Niyamawali ;
- (b) holding first elections to the *Sthayi Samiti* ;
- (c) carrying on the administration of the affair of the Sammelan during the Interim period.

(2) The Interim Board shall consist of,—

- (a) a Chairman to be nominated by the State Government ;
- (b) a Secretary to be nominated by the State Government ; and
- (c) nine other members to be nominated by the State Government.

(3) The Interim Board shall take over charge as from the date its establishment is notified by the State Government in the *Official Gazette*.

(4) The quorum for a meeting of the Interim Board shall be three members.

(5) In case of any vacancy occurring in the membership of the Interim Board, by reason of death, resignation, or otherwise, the remaining members of the Interim Board shall fill up such vacancy by co-option but no act done or resolution passed by the Interim Board shall be considered to be invalid merely by reason of any such vacancy having remained unfilled at the time of such act or resolution.

(6) All decisions of the Interim Board shall be in accordance with the opinion of the majority of members present and voting at a meeting of the Interim Board.

9. Interim Board to take over charge of management of the Sammelan and its properties.—Notwithstanding anything contained in Section 7 of this Act or in any other law, the Interim Board shall, as from the date of commencement of its establishment, be charged with the management, control and administration of affairs of the Sammelan and shall

take over charge of all its properties including funds and properties which have vested in the Sammelan under Section 6.

10. List of First Members.—(1) The Interim Board shall, within thirty days of the date of its establishment, cause to be prepared, subject to such instructions if any, as it may receive from the State Government, a list of all persons who are to be considered as first members of the Sammelan within the meaning of Section 3.

(2) The list shall be published in such manner as may be prescribed by the State Government.

(3) If at any time after the publication of list of first members under sub-section (2); it appears to the Interim Board that the name of any person has been wrongly omitted from or wrongly entered in the list, it may order the name to be inserted in or deleted from, the said list and such name shall be published in the manner prescribed by the State Government. Where the name of a person has been inserted as aforesaid, such person shall be treated in all respects as if his name had been inserted in the list at the time it was prepared under sub-section (1).

(4) No person other than the persons named in the list prepared under this section shall be considered as first member of the Sammelan within the meaning of Section 3.

(5) The Court shall take judicial notice of the said list and shall regard it as conclusive evidence that the persons named therein are the first members of the Sammelan.

11. Framing of the first Niyamawali.—(1) The Interim Board shall, within a period of ¹[twelve] months from the date of its establishment, ²[or within such further period as may be specified by the State Government from time to time in this behalf], frame the first Niyamawali in respect of all or any of the matters specified in Section 7.

(2) A draft of the Niyamawali proposed to be framed under sub-section (1) shall be sent to the State Government for approval.

(3) The State Government shall, as soon as may be, after receipt of the draft, consider the same and may approve it with or without modifications.

(4) The Niyamawali as approved by the State Government shall be published by the Interim Board in the manner perscribed by the State Government.

12. Constitution of Sthayi Samiti by the Interim Board.—The Interim Board shall within a period of ¹[twelve] months from the date of its establishment or ²[within such further period as may be specified by the State Government from time to time in this behalf], arrange to hold the first elections to the *Sthayi Samiti* in accordance with the provisions of the Niyamawali and take such other steps as may be necessary for its due constitution and establishment within the period specified as aforesaid.

13. Power of the Interim Board.—In addition to and without prejudice to the powers conferred by this Act, the Interim Board shall, during

1. *Subs.* by U. P. Act No. XXI of 1957 and shall be, and be deemed to have

always been substituted.
2. *Inserted by ibid.*

the interim period exercise, for and on behalf of the Sammelan, the powers and perform the duties and functions hereinafter specified, that is to say,—

- (a) to realize all rents, or other dues payable to the Sammelan and receive aids, donations, subscriptions, examination and other fees and all other sums, paid to it ;
- (b) to spend or sanction the expenditure of funds belonging to the Sammelan, as the Interim Board, may, in its discretion, consider necessary for performing its functions and carrying out its duties :
- (c) to operate upon all bank or other accounts of the Sammelan, and for the purpose, to authorize one or more of its office-bearers from amongst its members, to operate upon such accounts or to sign bills, cheques, receipts or other documents which the Interim Board may have to sign, or execute in performing its functions and carrying out its duties under this Act ;
- (d) to appoint agents, functionaries, or employees for exercising its powers and carrying out the duties assigned to it under this Act and to authorize them to file or defend suits or to do other acts, as may seem necessary during the interim period, on behalf of the Interim Board ;
- (e) to make bye-laws relating to the performance of its functions and duties under this Act ; and
- (f) to do all other acts as it may deem necessary for carrying out the purposes of this Act.

14. Handing over administration and property.—The Interim Board shall, within fifteen days of the establishment of the *Sthayi Samiti*, referred to in sub-section (2) of Section 7, hand over the administration and management of the Sammelan and its properties and funds to the *Sthayi Samiti*, which shall thereafter exercise the powers and carry out the duties assigned to it under the Niyamawali and as from the date of the expiry of the said period of fifteen days or of handing over, as aforesaid, whichever is earlier, the Interim Board shall cease to exist and stand dissolved.

15. Abatement of suits and proceedings.—Notwithstanding anything contained in any law for the time being in force, all suits, whether pending in the court of first instance or in a court of appeal, or revision, concerning any dispute with regard to the constitution and functioning of the Society, to which the Society is a party, shall on the date of the commencement of this Act, abate and all proceedings taken in connection therewith, stand withdrawn.

16. Powers of the State Government to remove difficulties.—The State Government may for the purpose of removing any difficulties, particularly in relation to the establishment of the Interim Board, the framing of the first Niyamawali or the establishment of the Sammelan or the first *Sthayi Samiti* by order direct that this Act shall, during such period as may be specified in the order, have effect subject to such adaptations, whether by way of modifications, additions or omissions as it may deem to be necessary or expedient.

THE UTTAR PRADESH LABOUR WELFARE FUND ACT, 1956

(U. P. Act No. XXXVII of 1956 as amended by U. P. Act XVIII of 1957)

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5. Administration and management of the Fund.	17. Supersession of Board in certain cases.
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[*Authoritative English text of the Uttar Pradesh Sharma Kalyan Nidhi Adhiniyam, 1956*]

AN ACT

to provide for the constitution of a fund for promoting the welfare of labour in Uttar Pradesh

Whereas it is expedient to constitute a fund for promoting the welfare of labour in the State of Uttar Pradesh and for conducting such activities;

It is hereby enacted in the Seventh Year of the Republic of India as follows:—

Prefatory Note.—The Statement of Objects and Reasons as attached to the bill is given below:—

“The question of creating a Labour Welfare Fund for promoting the welfare of labour employed in various industries has for long been under the consideration of the Government. In the case of the fines realized from the workers, provision already exists in the Payment of Wages Act, 1936 that the amount so realised shall be applied for approved purposes beneficial to the workers. In addition to the fines there are the accumulations of unpaid wages, bonus, gratuity, etc.; which remain lying with the employers without being put to any proper utilization. It is, therefore, felt that all such amounts should be pooled together for the creation of a Fund to finance Labour Welfare activities to be undertaken by a Board under the control of the Government. It is also considered that other possible sources, viz, voluntary donations, grants-in-aid from the State Government, borrowings by the Board, etc., would also go a long way in supplementing the finances, of the Board, thereby promoting Labour Welfare in a considerable measure.

2. The U. P. Labour Welfare Fund Bill, 1955 is accordingly introduced for the above purpose in view.” Vide U. P. Gaz. Extra. dated December 5, 1955.

1. Short title, extent and commencement.—(1) This Act may be called the Uttar Pradesh Labour Welfare Fund Act, 1956.

(2) It extends to the whole of Uttar Pradesh.

(3) It shall come into force on such date as the State Government may, by notification in the official *Gazette*, appoint in this behalf.

Note.—The Act was passed in Hindi by the Uttar Pradesh Legislative Assembly on August 13, 1956, and by the Uttar Pradesh Legislative Council on October 1, 1956.

Received the assent of the President on December 11, 1956, under Article 201 of the Constitution of India and was published in the *Uttar Pradesh Gazette Extraordinary*, dated December 20, 1956.

Published in the *Uttar Pradesh Gazette Extraordinary*, dated December 20, 1956.

2. Definitions.—In this Act, unless there is anything repugnant in the subject or context—

(1) “Board” means the Uttar Pradesh Industrial Labour Welfare Board constituted under section 10;

(2) “employee” means any person who is employed for hire or reward or contract to do any work, skilled or unskilled, manual or clerical, in an industrial establishment;

(3) “employer” means any person who employs either directly or through another person, or whether on behalf of himself or any person, one or more employees in an industrial establishment, and includes—

(a) in a factory, any person named under section 7(i) (f) of the Factories Act, 1948, as a manager;

(b) in an industrial establishment carried on by or under the authority of the Government, the person or authority appointed for the supervision and control of employees or where no person or authority is so appointed, the Head of Department; and

(c) in any other industrial establishment, any person responsible to the owner for the supervision and control of the employees or for the payment of wages ;

(4) “Fund” means the Uttar Pradesh Labour Welfare Fund constituted under Section 3 ;

(5) “factory” means a factory as defined in Section 2 (m) of the Factories Act, 1948 ;

(6) “industrial establishment” means a factory, a plantation or any other establishment, which may be declared as such by the State Government ;

(7) “Inspector” means Inspector appointed under Section 14 ;

(8) “prescribed” means prescribed by rules made under this Act ;

(9) “State Government” means the Government of Uttar Pradesh ;

(10) “wages” means wages as defined in sub-section (6) of Section 2 of the Payment of Wages Act, 1936 ;

(11) “unpaid accumulation” means all wages due to an employee ¹[but not paid to or claimed by him within a period of three years from the date on which they became due, whether before or after the commencement of this Act, and shall include],

(a) the whole or a portion of the employer’s contribution to the provident fund ; and

(b) any house allowance payable to an employee by the employer ; and

(c) any gratuity payable to a discharged employee.

(12) "Labour Welfare Commissioner" means a Labour Welfare Commissioner appointed under Section 14.

3. Establishment of the U. P. Industrial Labour Welfare Fund.—

(1) There shall be established by the State Government a fund to be called the U. P. Industrial Labour Welfare Fund.

(2) The Fund shall be maintained in the State Bank of India or if the State Government so directs in a Scheduled Bank named by it.

(3) All sums acquired or to be acquired or to be paid for and on behalf of the Fund shall in the prescribed manner be paid by the collecting agencies in the account of the fund.

(4) There shall be credited to the Fund—

- (a) all fines realized from the employees under the provisions of the Payment of Wages Act, 1936 ;
- (b) all unpaid accumulations ;
- (c) all amounts lying to the credit of the welfare account at the industrial establishment ;
- (d) any grants-in-aid by the State Government ;
- (e) any other voluntary donations ; and
- (f) any sums borrowed under Section 8.

4. Scope of Fund.—(1) The fund shall be utilized in connexion with measures, other than the amenities provided by the employers under the provisions of any law, which may, from time to time, be specified by the State Government to promote the welfare of labour employed in the industrial establishments.

(2) Without prejudice to generality of sub-section (1) the moneys in the Fund may also be utilized to defray expenditure on the following, namely :

- (a) community and social education centres including reading rooms and libraries ;
- (b) public baths and washing places ;
- (c) medical relief and convalescent homes ;
- (d) community necessities ;
- (e) educational facilities for women and children ;
- (f) games and sports ;
- (g) excursions, tours and holiday homes ;
- (h) entertainment and other forms of healthy recreations ;
- (i) home industries and subsidiary occupations for women and aged ones ;
- (j) cost of administering the Act including the salaries and allowances of the servants of the Board and allowances of members of the Board ;
- (k) co-operative, thrift, credit and multi-purpose societies ;
- (l) corporate activities of a religious and social nature ;
- (m) facilities for preparation and processing of food and materials ;
- (n) housing schemes ; and

(o) any such other objects as would go to improve the standard of living and ameliorate the social conditions of labour employed in industrial establishments.

(3) The Board may, with the approval of the State Government, make grant out of the Fund to a Local Authority or any other body engaged in social service in aid of any scheme approved by the State Government for one or more of the measures specified by the State Government under sub-section (1) or for objects specified under sub-section (2).

(4) If any question arises whether any particular expenditure is or is not debitable to the Fund, the matter shall be referred to the State Government for decision and the decision given by the State Government shall in this respect be final.

5. Administration and management of the Fund.—The management, administration, control and custody of the Fund and the application and payment therefrom shall be in the manner prescribed.

6. Audits of accounts.—The accounts of the Fund shall be audited annually by a person appointed in this behalf by the State Government and a copy of the report shall be sent to the State Government and the Board.

The audit report shall be considered by the authority managing the Fund and the action taken thereon shall be intimated to the State Government.

7. Publication of accounts and expenditure.—The State Government shall publish in the official *Gazette* each year in the month of February an estimate of receipts into and expenditure from the Fund together with a statement of accounts and a report of the activities financed during the previous year from the accounts of the Fund :

Provided that, when the Fund is constituted for the first time such publication may be delayed until and including the month of June next following such constitution

8. Powers of Board to borrow.—The Board may, from time to time, with the previous sanction of the State Government and subject to the provisions of this Act and to such other conditions, as may be specified by the State Government in this behalf, borrow any sum required for the purposes of this Act.

9. Investment of Fund.—Where the Fund or any other portion thereof cannot be applied at an early date fulfilling the objects of the Act, the Board shall invest the same in any of the securities specified in clauses (a) to (d) and (f) and Section 20 of the Indian Trusts Act, 1882.

10. U. P. Industrial Labour Welfare Board.—(1) As soon as may be after this Act has come into force, there shall be established by the State Government a Board to be called the Uttar Pradesh Industrial Labour Welfare Board.

*[(1-A) The Board shall be a body corporate with perpetual succession and a common seal and can sue and be sued in its own name.]

(2) The Board shall consist of the following persons—

(a) a Chairman to be nominated by the State Government ;

(b) such equal number of representatives of employees and employers as may be prescribed to be nominated by the State Government ;

(c) such other persons not exceeding five, including at least one woman, to be nominated by the State Government.

(3) The Labour Welfare Commissioner or such other Officer as may be nominated by the State Government shall be *ex-officio* member-Secretary to the Board.

(4) The term of the Chairman and members of the Board shall be three years :

Provided that the term of office of a member nominated to fill a casual vacancy shall be for the remainder of his predecessor's term of office.

11. Functions of the Board.—The functions of the Board shall be—

(a) to consider and prepare schemes to promote the welfare of labour ;

(b) to devise ways and means for execution of the schemes so prepared ;

(c) to administer the Fund for purposes of this Act ; and

(d) to perform such other functions as may be assigned to the Board by or under this Act.

12. Appointment of clerical and other staff by Board.—The Board shall have power to appoint necessary clerical and executive staff to carry out and supervise the activities financed out of the Fund :

Provided that appointment to any such post, the maximum time scale of which is more than rupees three hundred per month, shall be made only with the previous approval of the State Government :

Provided further that the expenses towards the staff so appointed shall in no case exceed the prescribed percentage of the annual income of the Fund.

13. Power of State Government to appoint or remove any person on staff of Board.—The State Government may in the manner prescribed remove any person from the service of the Board on the ground of unsuitability.

14. Appointment and powers of officers.—(1) The State Government may appoint a Labour Welfare Commissioner who shall be the principal executive officer of the Board and such number of Inspectors as may be necessary to inspect records in connexion with the activities financed from the Fund and with the sums to be deposited in the accounts of the Fund and to carry out the purposes of the Act :

Provided that in such conditions, as may be prescribed, the Labour Welfare Commissioner shall be appointed in consultation with the Board.

(2) Any person so appointed may, with such assistants, if any, as he thinks fit, enter at all reasonable times any place which he considers it necessary to enter for carrying out the purposes of the Act.

15. Mode of recovery of sums payable into Fund.—Any sum payable under this Act shall, without prejudice to any other mode of recovery, be recoverable on behalf of the Board as an arrear of land revenue.

16. Directions by State Government to Board.—(1) The State Government may, from time to time, give the Board such directions as

in its opinion are necessary or expedient in connexion with expenditure from the Fund or for carrying out the purposes of the Act.

(2) It shall be the duty of the Board to comply with the directions received by it from the State Government under sub-section (1).

17. Supersession of Board in certain cases.—(1) Where the State Government is satisfied that the Board has made default in performing any duty imposed on it by or under the Act or has abused its power, the State Government may, by notification in the *Official Gazette*, supersede the Board and reconstitute a new Board in accordance with Section 10 :

Provided that before notifying the supersession of the Board, the State Government shall give a reasonable opportunity to it to show cause why it should not be superseded and shall also consider the explanations and objections, if any, of the Board.

(2) After the supersession of the Board, and until the constitution of a new Board, the powers, duties and functions of the Board under the Act shall be exercised by such officers as may be appointed by the State Government for the purpose.

18. Members of Board, Welfare Commissioner, Inspectors and all officers and servants of Board to be public servants.—The members of the Board, the Welfare Commissioner, Inspectors and all other officers and servants of the Board shall be deemed to be public servants within the meaning of Section 21 of the Indian Penal Code, 1860.

19. Protection to persons acting in good faith.—No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Act.

20. Exemptions.—The State Government may after consulting the Board, by notification in official *Gazette*, and subject to such conditions as may be specified therein, exempt any industrial establishment or any class of industrial establishments from all or any provisions of the Act.

21. Validity of the acts and proceedings.—No act or proceeding of the Board shall be deemed to be invalid by reason merely of any vacancy in or any defect in the constitution of the Board or that it is discovered subsequently that some person who was not entitled so to do sat or voted or otherwise took part in the proceeding.

22. Amendment of Section 8 of Act IV of 1936.—In sub-section (8) of Section 8 of the Payment of Wages Act, 1936, the full-stop occurring at the end shall be replaced by a comma and thereafter the following shall be substituted :

“but in the case of any factory or industrial establishment to which the Uttar Pradesh Labour Welfare Fund Act, 1956, applies all such realizations shall be paid into the Fund constituted under the said Act.”

23. Power to make rules.—(1) The State Government may, by notification in the official *Gazette*, and subject to the condition of previous publication make rules to carry into effect the purposes of this Act.

(2) Without prejudice to the generality of the foregoing power, rules made under this section may provide for—

(i) the procedure for making grant-in-aid from the Fund ;

- (ii) the allowances, if any, payable to members of the Board ;
 - (iii) the manner in which the Board shall conduct its business ;
 - (iv) manner of selections and conditions of disqualifications of the members of the Board ;
 - (v) manner of filling up casual vacancies in the membership of the Board ;
 - (vi) conditions of service and power and duties of the servants of the Board ;
 - (vii) the form of registers and records to be maintained ;
 - (viii) manner of publication of the consolidated report on the activities financed from the Fund together with a statement of receipts and expenditure of the Fund and statement of accounts ; and
 - (ix) the matters which are to be and may be prescribed.
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Acts passed by
**THE U. P. LEGISLATURE DURING
THE YEAR 1957**

**THE UTTAR PRADESH INDUSTRIAL DISPUTES
(AMENDMENT AND MISCELLANEOUS
PROVISIONS) ACT, 1956**

(U. P. ACT No. I OF 1957)

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[Authoritative English text of the Uttar Pradesh Audyogik Jhagra (Sanshodhan Aur Prakirna Upbandh) Adhiniyam 1956]

AN ACT

*further to amend the U. P. Industrial Disputes Act, 1947 and to
provide for other matters*

Whereas it is expedient to amend the U. P. Industrial Disputes Act, 1947, for the purposes hereinafter appearing ;

It is hereby enacted in the Seventh Year of the Republic of India as follows :

Prefatory Note.—The Statement of Objects and Reasons as attached to the bill is given below :—

“The Industrial Disputes Act, 1947, which is a Central Act has recently been amended by the Industrial Disputes (Amendment and Miscellaneous Provisions) Act, 1956, enacted by Parliament. Some of the changes made, provide for the abolition of the Appellate Tribunal which had been set up under the Industrial Disputes (Appellate Tribunal) Act, 1950, the widening of the scope of the term ‘workman and the setting up of Labour Courts, Industrial Tribunals and National Tribunals. Another change made is a provision requiring an employer to give a notice before effecting any changes in the conditions of service of workmen. It also provides now for voluntary reference by the parties to the dispute for adjudication through arbitration. In order to bring the U. P. Industrial Disputes Act, 1947, in conformity with the Central Act, and make it, as far as may be, self-contained it has been decided to introduce these provisions with appropriate alterations, etc. in the State Act as well. Opportunity has also been taken to lay down conditions which trade unions shall comply for taking up industrial disputes to industrial courts.

This Bill is accordingly introduced.” Vide U. P. Gaz. Extra dated Oct. 20 1956.

1. Short title and commencement.—(i) This Act may be called the Uttar Pradesh Industrial Disputes (Amendment and Miscellaneous Provisions) Act, 1956.

(ii) It shall come into force on such date as the State Government may, by notification in the official *Gazette*, appoint.

Note 1.—The Act was passed in Hindi by the Uttar Pradesh Legislative Assembly on October 31, 1956, and by the Uttar Pradesh Legislative Council on December 24, 1956.

Received the assent of the President on December 29, 1956, under Article 201 of the Constitution of India and was published in the *Uttar Pradesh Gazette Extraordinary*, dated January 2, 1957.

Published in the *Uttar Pradesh Gazette Extraordinary*, dated January 2, 1957.

Note 2.—The Act came into force w. e. f. 16th day of April, 1957 vide Notification No. U-177 (ST)/XXXVI A dated April 15, 1957, published in U. P. Gaz. Extra. of the same date.

2. Substitution of Section 2 of the U. P. Act No. XXVIII of 1947.—For Section 2 of the U. P. Industrial Disputes Act, 1947 (hereinafter referred to as the Principal Act), the following shall be substituted :

- “2. Definitions.**—(a) ‘Apprentice’ means a person employed in an industry for the purpose of training therein in accordance with a scheme prepared in that behalf and approved by the State Government ;
- (b) ‘Average Pay’ means the average of the wages payable to a workman—
- (i) in the case of monthly paid workman, in the three complete calendar months ;
- (ii) in the case of weekly paid workman, in the four complete weeks ;
- (iii) in the case of daily paid workman, in the twelve full working days ; preceding the date on which the average pay becomes payable if the workman had worked for three complete calendar months or four complete weeks or twelve full working days, as the case may be, and where such calculation cannot be made, the average shall be calculated as the average of the wages payable to a workman during the period he actually worked ;
- (c) ‘Award’ means an interim or final determination of any industrial dispute or of any question relating thereto by any Labour Court or Tribunal and includes an arbitration award made under Section 5-B ;
- (d) ‘Board’ means a Conciliation Board constituted under clause (d) of Section 3 ;
- (e) ‘Central Government’ means Central Government as defined in clause 8 of Section 3 of the General Clauses Act, 1897 ;
- (f) ‘Conciliation Officer’ means a Conciliation Officer appointed under Section 4-I ;
- (g) ‘Continuous service’ means uninterrupted service, and includes service which may be interrupted merely on account of sickness or authorized leave or an accident or a strike which

is not illegal, or a lock-out or a cessation of work which is not due to any fault on the part of the workman, and a workman, who, during a period of twelve calendar months has actually worked in an industry for not less than two hundred and forty days shall be deemed to have completed one year of continuous service in the industry.

Explanation.—In computing the number of days on which a workman has actually worked in an industry, the days on which—

- (i) he has been laid-off under an agreement or as permitted by standing order made under the Industrial Employment (Standing Orders) Act, 1946, or under this Act or under any other law applicable to the industrial establishment, the largest number of days during which he has been so laid-off being taken into account for the purposes of this clause,
- (ii) he has been on leave with full wages, earned in the previous year, and
- (iii) in the case of a female, she has been on maternity leave ; so however that the total period of such maternity leave shall not exceed twelve weeks, shall be included ;
- (h) 'Controlled Industry' will have the meaning assigned to it in clause (ee) of Section 2 of the Industrial Disputes Act, 1947 ;
- (i) 'Employer' includes—
 - (i) an association or a group of employers ;
 - (ii) where an industry is conducted or carried on by a department of the State Government, the authority specified in that behalf, and where no such authority has been specified, the head of such department ;
 - (iii) where an industry is conducted or carried on by or on behalf of a local authority, the chief executive officer of such authority ;
 - (iv) where the owner of any industry in the course of or for the purpose of conducting the industry contracts with any person for the execution by or under such person of the whole or any part of any work which is ordinarily part of the industry, the owner of such industry ;
- (j) a person shall be deemed to be 'independent' for the purpose of his appointment as the chairman or other member of a Board, Court or Tribunal, if he is unconnected with the industrial dispute referred to such Board, Court or Tribunal or with any industry directly affected by such dispute :

Provided that no person shall cease to be independent by reason only of the fact that he is a share-holder of an incorporated company which is connected with, or likely to be affected by, such industrial dispute ; but in such a case he shall disclose to the State Government the nature and extent of the shares held by him in such company ;

- (k) 'Industry' means any business, trade, undertaking, manufacture or calling of employers and includes any calling, service,

employment, handicraft, or industrial occupation or avocation of workmen ;

- (l) 'Industrial Dispute' means any dispute or difference between employers and employees, or between employers and workmen, or between workmen and workmen, which is connected with the employment or non-employment or the terms of employment or with the conditions of labour, of any person ; but does not include an industrial dispute concerning—
- (i) any industry carried on by or under the authority of the Central Government or by a Railway Company, or
 - (ii) such controlled industry as may be specified in this behalf by Central Government, or
 - (iii) banking and insurance companies as defined in the Industrial Disputes Act, 1947, or
 - (iv) a mine or an oil-field ;
- (m) 'Labour Court' means a Labour Court constituted under Section 4-A ;
- (n) 'Lay-off' (with its grammatical variations and cognate expressions) means the failure, refusal or inability of an employer on account of shortage of coal, power or raw materials or the accumulation of stock or the break-down of machinery, or for other reason, to give employment to a workman whose name is borne on the muster-rolls of his industrial establishment and who has not been retrenched ;

Explanation.—Every workman whose name is borne on the muster-rolls of the industrial establishment and who presents himself for work at the establishment at the time appointed for the purpose during normal working hours on any day and is not given employment by the employer within two hours of his so presenting himself shall be deemed to have been laid-off for that day within the meaning of this clause :

Provided that if the workman, instead of being given employment at the commencement of any shift for any day is asked to present himself for the purpose during the second half of the shift for the day and is given employment then, he shall be deemed to have been laid-off only for one-half of that day :

Provided further that if he is not given any such employment even after so presenting himself, he shall not be deemed to have been laid-off for the second half of the shift for the day and shall be entitled to full basic wages and dearness allowance for that part of the day ;

- (o) 'Lock-out' means the closing of a place of employment, or the suspension of work, or the refusal by an employer to continue to employ any number of persons employed by him ;
- (p) 'Prescribed' means prescribed by the rules framed under this Act ;
- (q) 'Public Utility Service' means —
 - (i) any section of an industrial establishment, on the working of which the safety of the establishment or the workmen employed therein depends ;

- (ii) any industry which supplies power, light or water to the public ;
- (iii) any system of public conservancy or sanitation ;
- (iv) any industry or undertaking, which the State Government may, if satisfied that public emergency or public interest so requires, by notification in the official *Gazette*, declare to be a public utility service for the purposes of this Act, for such period as may be specified in the notification :

Provided that the period so specified shall not, in the first instance, exceed six months but may, by a like notification, be extended from time to time, by any period not exceeding six months, at any one time, if in the opinion of the State Government public emergency or public interest requires such extension ;

- (r) 'Registration' as respects any settlement means registration in accordance with Section 6-B ;
- (s) 'Retrenchment' means the termination by the employer of the service of a workman for any reason whatsoever, otherwise than as a punishment inflicted by way of disciplinary action, but does not include—
 - (i) voluntary retirement of the workman ; or
 - (ii) retirement of the workman on reaching the age of superannuation if the contract of employment between the employer and workman concerned contains a stipulation in that behalf ;
- (t) 'Settlement' means a settlement arrived at in the course of conciliation proceeding and includes a written agreement between the employer and workmen arrived at otherwise than in the course of conciliation proceeding where such an agreement has been signed by the parties thereto in such a manner as may be prescribed and a copy thereof has been sent to the State Government and the Conciliation Officer ;
- (u) 'State Government' means the Government of Uttar Pradesh ;
- (v) 'Strike' means a cessation of work by a body of persons employed in any industry acting in combination, or a concerted refusal, or a refusal under a common understanding, of any number of persons who are or have been so employed to continue to work or to accept employment ;
- (w) "Tribunal" means an Industrial Tribunal appointed under Section 4-B ;
- (x) 'Union' means a Trade Union registered under the Indian Trade Unions Act, 1926 ;
- (y) 'Wages' means all remuneration capable of being expressed in terms of money, which would, if the terms of employment, expressed or implied, were fulfilled, be payable to a workman in respect of his employment, or of work done in such employment, and includes—
 - (i) such allowances (including dearness allowance) as the workman is for the time being entitled to ;

- (ii) the value of any house accommodation, or of supply of light, water, medical attendance or other amenity or of any service or of any concessional supply of foodgrains or other articles ;
- (iii) any travelling concession, but does not include—
 - (a) any bonus ;
 - (b) any contribution paid or payable by the employer to any pension fund or provident fund or for the benefit of the workman under any law for the time being in force ;
 - (c) any gratuity payable on the termination of his service.
- (z) 'Workman' means any person (including an apprentice) employed in any industry to do any skilled or unskilled manual, supervisory, technical or clerical work for hire or reward, whether the terms of employment be express or implied, and for the purposes of any proceeding under this Act in relation to an industrial dispute, includes any such person who has been dismissed, discharged or retrenched in connexion with, or as a consequence of, that dispute, or whose dismissal, discharge or retrenchment has led to that dispute, but does not include any such person—
 - (i) who is subject to the Army Act 1950 or the Air Force Act, 1950, or the Navy (Discipline) Act, 1934 ; or
 - (ii) who is employed in the police service or as an officer or other employee of a prison ; or
 - (iii) who is employed mainly in a managerial or administrative capacity ; or
 - (iv) who, being employed in a supervisory capacity, draws wages exceeding five hundred rupees per mensem or exercises, either by the nature of the duties attached to the office or by reason of the powers vested in him, functions mainly of a managerial nature."

3. Amendment of Section 3 of the U. P. Act No. XXVIII of 1947.—Clause (c) of Section 3 and clause (ii) in the proviso at the end of that section of the Principal Act shall be deleted, clause (cc) shall be read as clause (c) and for clause (d) the following shall be substituted :

“(d) for constitution and functioning of Conciliation Boards for settlement of industrial disputes in the manner specified in the order ;”

4. Deletion of Section 4 of the U. P. Act No. XXVIII of 1947 and insertion of new Sections 4-A to 4-K.—Section 4 of the Principal Act shall be deleted and thereafter the following shall be inserted as new Sections 4-A to 4-K :

“4-A. Labour Court.—(1) The State Government may, by notification in the official *Gazette*, constitute one or more Labour Courts for the adjudication of industrial disputes relating to any matter specified in the First Schedule and for performing such other function as may be assigned to them under this Act.

(2) A Labour Court shall consist of one person only to be appointed by the State Government.

(3) A person shall not be qualified for appointment as the Presiding Officer of a Labour Court unless—

- (a) he has held any judicial office in India for not less than seven years ; or
- (b) he is enrolled in the list prepared under Section 4-D."

"4-B. Tribunal.—(1) The State Government may, by notification in the official *Gazette*, constitute one or more Industrial Tribunals for the adjudication of industrial disputes relating to any matter whether specified in the First Schedule or the Second Schedule.

(2) A Tribunal shall, except where otherwise provided under Section 5-A, consist of one person only to be appointed by the State Government.

(3) A person shall not be qualified for appointment as the Presiding Officer of a Tribunal unless—

- (a) he is or has been a Judge of a High Court, or
- (b) he has held the office of the Chairman or any other member of the Labour Appellate Tribunal constituted under the Industrial Disputes (Appellate Tribunal) Act, 1950, for a period of not less than two years or of any tribunal constituted under the U. P. Industrial Disputes Act, 1947, for a period of not less than five years ; or

(c) he is enrolled in the list prepared in accordance with Section 4-D.

(4) The State Government may, if it so thinks fit, appoint up to two persons as assessors to advise the Tribunal in the proceedings before it."

"4-C. Disqualifications for the presiding officer of Labour Court or Tribunal.—No person shall be appointed to, or continue in, the office of the Presiding Officer of a Labour Court or Tribunal, if—

- (i) he is not an independent person ; or
- (ii) he has attained the age of 65 years."

"4-D. List of persons for appointment as Presiding Officer of Labour Court and Tribunal.—For the purpose of constituting a Labour Court under Section 4-A and an Industrial Tribunal under Section 4-B the State Government shall cause to be prepared—

- (i) a list of all persons who may be appointed presiding officer of a Labour Court, and
- (ii) a list of all persons who may be appointed presiding officer of an Industrial Tribunal.

and shall maintain the list by making such alterations therein as may, from time to time, be reported by the Committee appointed under Section 4-E."

"4-E. Committee to prepare lists under Section 4-D.—(1) There shall be constituted a committee of four persons, including the Chairman, to be appointed by the State Government, one of whom, being the Chairman, shall be a person who is or has been a Judge of a High Court, and the other three shall respectively be the Chief Secretary to Uttar Pradesh Government, the Secretary to that Government in the Labour Department, and the Legal Remembrancer to Uttar Pradesh Government.

(2) The Committee constituted under sub-section (1) shall, in the manner prescribed, prepare the lists referred to in Section 4-D having regard—

(a) in the case of the list referred to in clause (i) of the said section, to the education and practical experience of the person in matters relating to Labour and Industry, and

(b) in the case of the list referred to in clause (ii) thereof, also to special knowledge of the person in those matters.

(3) No person who is not or who has not been a member of the Indian Administrative Service or the State Higher Judicial Service, or the State Judicial Service, or the State Labour Service shall be eligible for enrolment in the lists prepared under sub-section (2)."

"4-F. Conciliation Officer.—(1) The State Government may, by notification in the official *Gazette*, appoint such number of persons as it thinks fit, to be Conciliation Officers, charged with the duty of mediating in, and promoting the settlement of, industrial disputes, in the manner to be prescribed.

(2) A Conciliation Officer may be appointed for specified area or areas."

"4-G. Filling of vacancies.—If, for any reason a vacancy occurs in the office of the Presiding Officer of a Labour Court or Tribunal, the State Government shall appoint any other person in accordance with the provisions of this Act to fill the vacancy, and the proceedings may be continued before the Labour Court or Tribunal, as the case may be, from the stage at which the vacancy is filled."

"4-H. Finality of orders.—No order of the State Government appointing any person on the Board or as the Presiding Officer of a Labour Court or Tribunal shall be called in question in any manner; and no act or proceeding before any Board, Labour Court or Tribunal shall be called in question in any manner on the ground merely of the existence of any vacancy in, or defect in, the constitution of such Board, Labour Court or Tribunal."

"4-I. Notice of change—No employer who proposes to effect any change in the conditions of service applicable to any workman in respect of any matter specified in the Third Schedule, shall effect such change,—

(a) without giving to the workmen likely to be affected by such change a notice in the prescribed manner of the nature of the change proposed to be effected; or

(b) within twenty-one days of giving such notice :

Provided that no notice shall be required for effecting any such change—

(i) where the change is effected in pursuance of any settlement, award or decision of the Appellate Tribunal constituted under the Industrial Disputes (Appellate) Tribunal Act, 1950; or

(ii) where the workmen likely to be affected by the change are persons to whom the Fundamental and Supplementary Rules, Civil Services (Classification, Control and Appeal) Rules, Civil Services (Temporary Service) Rules, Civil Service Regulations or any other rules or regulations that may be notified in this behalf by the State Government in the official *Gazette*, apply."

"4-J. Power of Government to exempt.—Where the State Government is of opinion that the application of the provisions of Section

4-I to any class of industrial establishments or to any class of workmen employed in any industrial establishment affects the employers in relation thereto so prejudicially that such application may cause serious repercussion on the industry concerned and that public interest so requires, the State Government may, by notification in the official *Gazette*, direct that the provisions of the said section shall not apply or shall apply, subject to such conditions as may be specified in the notification, to that class of industrial establishments or to that class of workmen employed in any industrial establishment."

"4-K. Reference of disputes to Labour Court or Tribunal.—Where the State Government is of opinion that any industrial dispute exists or is apprehended, it may at any time by order in writing refer the dispute or any matter appearing to be connected with, or relevant to, the dispute to a Labour Court if the matter of industrial dispute is one of those contained in the First Schedule, or to a Tribunal if the matter of dispute is one contained in the First Schedule or the Second Schedule for adjudication :

Provided that where the dispute relates to any matter specified in the Second Schedule and is not likely to affect more than one hundred workmen, the State Government may, if it so thinks fit, make the reference to a Labour Court."

5. Amendment of Section 5 of the U. P. Act No. XXVIII of 1947.—In Section 5 of the Principal Act—

(i) for the words "under clause (d) of Section 3", occurring in sub-section (1) the words "under Section 4-K" shall be substituted; and

(ii) Clause (ii) of sub-section (1) shall be deleted and clause (iii) shall be re-numbered as clause (ii).

6. Insertion of new Sections 5-A to 5-E in U. P. Act No. XXVIII of 1947.—After Section 5 the following shall be added as new Sections 5-A to 5-E—

"5-A. Special composition of Tribunal.—(1) Where any industrial dispute may be referred to an Industrial Tribunal under Section 4-K, the State Government, if, having regard to the nature of the dispute and the effect which its decision is likely to have on industry or any section thereof, or, if the dispute is such as is likely to affect more than one industrial establishment, it so considers necessary, may constitute, notwithstanding anything in the said section, a tribunal consisting of three persons, of whom, one to be designated by the State Government, shall be the Chairman.

(2) Except as provided in sub-section (1) all the provisions of this Act relating to the constitution of an Industrial Tribunal, the qualification and disqualification of persons to be appointed thereto, the powers and duties of such tribunals, the procedure to be followed by it in the hearing and disposal of industrial disputes, the making of the award, its modification and enforcement shall *mutatis mutandis* apply to a Tribunal constituted under this section.

5-B. Voluntary reference of disputes to arbitration.—(1) Where any industrial dispute exists or is apprehended and the employer and the workmen agree to refer the dispute to arbitration, they may, at any time before the dispute has been referred under Section 4-K to a Labour Court or Tribunal, by a written agreement, refer the dispute to arbitration and the

reference shall be to such person or persons (including the Presiding Officer of a Labour Court or a Tribunal) as an arbitrator or arbitrators as may be specified in the arbitration agreement.

(2) An arbitration agreement referred to in sub-section (1) shall be in such form and shall be signed by the parties thereto in such manner as may be prescribed.

(3) A copy of the arbitration agreement shall be forwarded to the State Government, the Conciliation Officer and Labour Commissioner, and the State Government shall within fourteen days from date of receipt of such copy, publish the same in the official *Gazette*.

(4) The arbitrator or arbitrators shall investigate the dispute and submit to the State Government the arbitration award signed by the arbitrator or all the arbitrators, as the case may be.

(5) Nothing in the Arbitration Act, 1940 shall apply to arbitrations under this section.

5-C. Procedure and powers of Boards, Labour Courts and Tribunals.—(1) Subject to any rules that may be made in this behalf, an arbitrator, a Labour Court or a Tribunal shall follow such procedure as the arbitrator, the Labour Court or the Tribunal concerned may think fit.

(2) A Presiding Officer of a Labour Court or a Tribunal may for the purpose of enquiry into any existing or apprehended industrial dispute, after giving reasonable notice, enter the premises occupied by any establishment to which the dispute relates.

(3) Every Board, Labour Court and Tribunal shall have the same powers as are vested in a Civil Court under the Code of Civil Procedure, 1908, when trying a suit in respect of the following matters, namely :

- (a) enforcing the attendance of any person and examining him on oath or affirmation or otherwise ;
- (b) requiring the discovery and production of documents and material objects ;
- (c) issuing commissions for the examination of witnesses ;
- (d) inspection of any property or thing including machinery concerning any such dispute ; and
- (e) in respect of such other matters as may be prescribed ;

and every enquiry or investigation by a Labour Court or Tribunal shall be deemed to be a judicial proceeding within the meaning of Sections 193 and 228 of the Indian Penal Code.

5-D. Power of the Conciliation Officer.—(1) A Conciliation Officer may call for and inspect any document which he has ground for considering to be relevant to the industrial dispute or which he considers necessary for verifying the implementation of any award or for carrying out any other duty imposed on him under this Act, and for the aforesaid purposes, the Conciliation Officer shall, have the same powers as are vested in a Civil Court under the Civil Procedure Code, 1908 in respect of compelling the production of documents before it.

(2) A Conciliation Officer may, for the purpose of enquiry into any existing or apprehended dispute, after giving reasonable notice enter the premises occupied by any establishment.

5-E. **Award of costs.**—Subject to any rules made under this Act, the costs of, and incidental to, any proceeding before an arbitrator, a Labour Court or a Tribunal shall be in the discretion of the arbitrator, Labour Court or Tribunal, and the arbitrator, Labour Court or Tribunal, as the case may be, shall have full power to determine by and to whom and to what extent and subject to what condition, if any, such costs are to be paid, and to give all necessary directions for the purpose aforesaid and such costs may, on application made to the State Government by the person entitled to be recovered by the State Government in the same manner as an arrear of land revenue”.

7. Substitution of Sections 6 and 6-A of the U. P. Act No. XXVIII of 1947.—For Sections 6 and 6-A of the Principal Act the following shall be substituted, namely :

“6. **Awards and action to be taken thereon.**—(1) Where an industrial dispute has been referred to a Labour Court or Tribunal for adjudication, it shall hold its proceedings expeditiously and shall as soon as it is practicable on the conclusion thereof, submit its award to the State Government.

(2) The award of a Labour Court or Tribunal shall be in writing and shall be signed by its Presiding Officer.

(3) Subject to the provisions of sub-section (4) every arbitration award and the award of a Labour Court or Tribunal, shall, within a period of thirty days from the date of its receipt by the State Government, be published in such manner as the State Government thinks fit.

(4) The State Government may before publication of an award of a Labour Court or Tribunal under sub-section (3), remit the award for reconsideration of the adjudicating authority, and that authority shall, after reconsideration submit its award to the State Government, and the State Government shall publish the award in the manner provided in sub-section (3).

(5) Subject to the provisions of Section 6-A, an award published under sub-section (3) shall be final and shall not be called in question in any court in any manner whatsoever.

(6) A Labour Court, Tribunal or Arbitrator may either of its own motion or on the application of any party to the dispute, correct any clerical or arithmetical mistakes in the award, or errors arising therein from any accidental slip or omission ; whenever any correction is made as aforesaid, a copy of the order shall be sent to the State Government and the provision of this Act, relating to the publication of an award shall *mutatis mutandis* apply thereto.

6-A. Commencement of the Award.—(1) An award (including an arbitration award) shall become enforceable on the expiry of thirty days from the date of its publication under Section 6 :

Provided that if the State Government is of the opinion that it will be inexpedient, on grounds of social justice, to give effect to the whole or any part of the award, the State Government may, by notification in the official *Gazette*, declare that the award shall not become enforceable on the expiry of the said period of thirty days :

Provided further that an arbitration award shall not become enforceable where the State Government after such enquiry as it considers necessary, is satisfied that the same has been given or obtained through collusion, fraud or misrepresentation.

(2) Where any declaration has been made in relation to an award under the first proviso to sub-section (1), the State Government may within ninety days from the date of publication of the award under Section 6, make an order rejecting or modifying the award, and shall on the first available opportunity lay the award together with a copy of the order before the Legislature of the State.

(3) Where any award as rejected or modified by an order made under sub-section (2) is laid before the Legislature of the State, such award shall become enforceable on the expiry of fifteen days from the date on which it is so laid and where no order under sub-section (2) is made in pursuance of a declaration under the first proviso to sub-section (1), the award shall become enforceable on the expiry of the period of ninety days referred to in sub-section (1).

(4) Subject to the provisions of sub-sections (1) and (3) regarding the enforceability of an award, the award shall come into operation with effect from such date as may be specified therein, but where no date is specified, it shall come into operation on the date when the award becomes enforceable under sub-section (1) or sub-section (3) as the case may be.

8. Insertion of new Sections 6-B to 6-R.—After Section 6-A of the Principal Act the following shall be inserted as new Sections 6 B to 6-R :

“6-B. Settlement outside conciliation proceedings.—(1) A settlement arrived at by agreement between the employer and workmen otherwise than in the course of conciliation proceeding shall, except as provided in sub-section (4), be binding on the parties to the agreement :

Provided that if the period for which a settlement shall remain in force has not been laid down in such settlement itself, it shall remain in force for one year from the date of its registration.

(2) As soon as a settlement referred to in sub-section (1) has been arrived at, the parties to the settlement or any one of them may apply to the Conciliation Officer of the area concerned in the prescribed manner for registration of the settlement.

(3) On receipt of application for registration under sub-section (2) the Conciliation Officer or an authority notified by the State Government in this behalf, either (i) register the settlement in the prescribed manner, or (ii) refuse registration if it considers it to be inexpedient to do so on public grounds affecting social justice, or if the settlement has been brought about as a result of collusion, fraud or misrepresentation.

(4) Where a settlement under sub-section (1) has been refused registration, it shall not be binding under this Act.

6-C. Award of labour court or tribunal or arbitration and its operation.—An award shall in the first instance remain in operation for a period of one year or such shorter period as may be specified therein :

Provided that the State Government may extend the period of operation of an award from time to time, if it thinks fit :

Provided further that where the State Government whether of its own motion or on the application of any party bound by the award, considers that since the award was made there has been a material change in the circumstances on which it was based, the State Government may, after such enquiry as it may think fit shorten the period of operation of the award.

6-D. Commencement and conclusion of proceeding.—Proceedings before a Labour Court or Tribunal shall be deemed to have commenced on the date of reference of a dispute to adjudication, and such proceedings shall be deemed to have concluded on the date on which the award becomes enforceable under Section 6-A.

6-E. Conditions of service, etc. to remain unchanged in certain circumstances during the pendency of proceedings.—(1) During the pendency of any Conciliation Proceeding before a Conciliation Officer or a Board or of any proceeding before a Labour Court or Tribunal in respect of an industrial dispute, no employer shall—

- (a) in regard to any matter connected with the dispute, alter, to the prejudice of the workmen concerned in such dispute, the conditions of service applicable to them immediately before the commencement of such proceeding, or
 - (b) for any misconduct connected with the dispute, discharge or punish, whether by dismissal or otherwise, any workman concerned in such dispute save with the express permission in writing of the authority before which the proceeding is pending.
- (2) During the pendency of any such proceeding in respect of an industrial dispute, the employer may, in accordance with the standing orders applicable to a workman concerned in such dispute—
- (a) alter, in regard to any matter not connected with the dispute, the conditions of service applicable to that workman immediately before the commencement of such proceeding, or
 - (b) for any misconduct not connected with the dispute, discharge or punish, whether by dismissal or otherwise, that workman :

Provided that no such workman shall be discharged or dismissed, unless he has been paid wages for one month and an application has been made by the employer to the authority before which the proceeding is pending for approval of the action taken by the employer.

(3) Notwithstanding anything contained in sub-section (2) no employer shall, during the pendency of any such proceedings in respect of an industrial dispute take any action against any protected workman concerned in such dispute—

- (a) by altering, to the prejudice of such protected workman, the conditions of service applicable to him immediately before the commencement of such proceedings, or
- (b) by discharging or punishing, whether by dismissal or otherwise, such protected workman,
save with the express permission in writing of the authority before which the proceeding is pending.

Explanation.—For the purposes of this sub-section, a ‘protected workman’ in relation to an establishment, means a workman who, being an officer of a registered trade union connected with the establishment, is recognized as such in accordance with rules made in this behalf.

(4) In every establishment, the number of workmen to be recognized as protected workmen for the purposes of sub-section (3) shall not exceed one per cent of the total number of workmen employed therein subject to a minimum number of five protected workmen and a maximum number of one hundred protected workmen and for the aforesaid purpose, the State Government may make rules providing for the distribution of such protected

workmen among various trade unions, if any, connected with the establishment and the manner in which they may be chosen and recognized as protected workmen.

(5) Where an employer makes an application to a Board, Labour Court or Tribunal under the proviso to sub-section (2) for approval of the action taken by him, the authority concerned shall, without delay, hear such application and pass, as expeditiously as possible, such order in relation thereto as it deems fit.

6-F. Special provision for adjudication as to whether the conditions of service, etc. changed during the pendency of proceedings.—Where an employer contravenes the provisions of Section 6-E during the pendency of proceedings before a Labour Court or Tribunal, any workmen aggrieved by such contravention may make a complaint in writing in the prescribed manner, to the Labour Court or Tribunal as the case may be, and on receipt of such complaint that Labour Court or Tribunal, as the case may be, shall adjudicate upon the complaint as if it were a dispute referred to or pending before it, in accordance with this Act and shall submit its award to the State Government and the provisions of this Act shall apply accordingly.

6-G. Power to transfer certain proceedings.—(1) The State Government may, by order in writing and for reasons to be stated therein, withdraw any proceeding under this Act pending before a Labour Court or Tribunal or transfer a proceeding from one Labour Court or Tribunal to another Labour Court or Tribunal, as the case may be, for the disposal of the proceeding and the Labour Court or Tribunal to which the proceeding is so transferred may, subject to any special directions in the order of transfer, proceed either *de novo* or from the stage at which it was so transferred :

Provided that where a proceeding under Section 6-E or Section 6-F is pending before a Tribunal the proceeding may also be transferred to a Labour Court.

(2) Without prejudice to the provisions of sub-section (1) any Tribunal, if so authorized by the State Government, may transfer any proceeding under Section 6-E or Section 6-F pending before it to any one of the Labour Courts specified for the disposal of such proceedings by the State Government by notification in the official *Gazette* and the Labour Court to which the proceeding is so transferred shall dispose of the same.

6-H. Recovery of money due from an employer.—(1) Where any money is due to a workman from an employer under a settlement or an award or under the provisions of Sections 6-J to 6-R or an award given by an Adjudicator or the State Industrial Tribunal constituted under the U. P. Industrial Disputes Act, 1947, before the commencement of the Uttar Pradesh Industrial Disputes (Amendment and Miscellaneous Provisions) Act, 1956, the workman may, without prejudice to any other mode of recovery make an application to the State Government for the recovery of the money due to him, and if the State Government is satisfied that any money is so due, it shall issue a certificate for that amount to the Collector who shall proceed to recover the same as if it were an arrear of land revenue.

(2) Where any workman is entitled to receive from the employer any benefit which is capable of being computed in terms of money, the amount at which such benefit should be computed may, subject to any rules that may be made under this Act, be determined by such Labour Court as may be specified in this behalf by the State Government, and the amount so determined may be recovered as provided for in sub-section (1).

(3) For the purposes of computing the money value of a benefit, the Labour Court may, if it so thinks fit, appoint a Commissioner in the prescribed manner who shall, after taking such evidence as may be necessary, submit a report to the Labour Court and the Labour Court shall determine the amount after considering the report of the Commissioner and other circumstances of the case.

6 I. Representation of the parties.—(1) Subject to the provisions of sub-sections (2) and (3), the parties to an industrial dispute may be represented before a Board, Labour Court, or Tribunal in the manner prescribed.

(2) No party to any proceeding before a Board shall be represented by a legal practitioner, and no party to any proceeding before a Labour Court or Tribunal shall be represented by a legal practitioner, unless the consent of the other party or parties to the proceeding and the leave of the Presiding Officer of the Labour Court or Tribunal, as the case may be, has been obtained.

(3) No Officer of a Union shall be entitled to represent any party unless a period of two years has elapsed since its registration under the Indian Trade Unions Act, 1926 :

Provided that this sub-section shall not apply to an officer of any federation of unions :

And provided further that such a union has been registered for one trade only.

6-J. Non-application of the provision for lay-off in certain cases—(1) Sections 6-K to 6-M inclusive shall not apply—

(a) to industrial establishments in which less than fifty workmen on an average per working day have been employed in the preceding calendar month, or

(b) to industrial establishments which are of a seasonal character or in which work is performed only intermittently.

(2) If a question arises whether an industrial establishment is of a seasonal character or whether work is performed therein only intermittently, the decision of the State Government thereon shall be final.

Explanation.—In this section and in Sections 6-K, 6-L and 6-M “industrial establishment” means—

(i) a factory as defined in clause (m) of Section 2 of the Factories Act, 1948, or

(ii) a mine as defined in clause (f) of Section 2 of the Mines Act, 1952, or

(iii) a plantation as defined in clause (f) of Section 2 of the Plantations Labour Act, 1951.

6-K. Right of workmen laid-off for compensation.—(1) Whenever a workman (other than a substitute or a casual workman) whose name is borne on the muster rolls of an industrial establishment and who has completed not less than one year of continuous service under an employer is laid-off, he shall be paid by the employer for all days during which he is so laid-off except for such weekly holidays as may intervene, compensation which shall be equal to fifty per cent of the total of the basic wages and dearness allowance that would have been payable to him had he not been so laid-off :

Provided that the compensation payable to a workman during any period of twelve months shall not be for more than forty-five days.

(2) Notwithstanding anything contained in the proviso to sub-section (1), if during any period of twelve months, a workman is laid-off for more than forty-five days, whether continuously or intermittently, and the lay-off after the expiry of the first forty-five days comprises continuous periods of one week or more, the workman shall, unless there is any agreement to the contrary between him and the employer, be paid for all the days comprised in every such subsequent period of lay-off for one week or more compensation at the rate specified in sub-section (1) :

Provided that it shall be lawful for the employer in any case falling within this sub-section to retrench the workman in accordance with the provisions contained in Section 6-N at any time after the expiry of the first forty-five days of lay-off and when he does so, any compensation paid to the workman for having been laid-off during the preceding twelve months may be set off against the compensation payable for retrenchment

Explanation.—‘Substitute workman’ means a workman who is employed in an industrial establishment in the place of another workman whose name is borne on the muster rolls of the establishment, but shall cease to be regarded as such for the purposes of this section, if he has completed one year of continuous service in the establishment.

6-L. Duty of an employer to maintain muster rolls of workmen.—Notwithstanding that workmen in any industrial establishment have been laid-off, it shall be the duty of every employer to maintain for the purposes of Sections 6-J to 6-R a muster roll, and to provide for the making of entries therein by workmen who may present themselves for work at the establishment at the appointed time during normal working hours.

6-M. Workmen not entitled to compensation in certain cases.—No compensation shall be paid to a workman who has been laid-off—

- (i) if he refuses to accept any alternative employment in the same establishment from which he has been laid-off, or in any other establishment belonging to the same employer situate in the same town or village or situate within a radius of five miles from the establishment to which he belongs, if, in the opinion of the employer, such alternative employment does not call for any special skill or previous experience and can be done by the workman, provided that the wages which would normally have been paid to the workman are offered for the alternative employment also ;
- (ii) if he does not present himself for work at the establishment at the appointed time during normal working hours at least once a day ;
- (iii) if such laying-off is due to a strike or slowing down of production on the part of workmen in another part of the establishment.

6-N. Conditions precedent to retrenchment of workmen.—No workman employed in any industry who has been in continuous service for not less than one year under an employer shall be retrenched by that employer until—

- (a) the workman has been given one month's notice in writing indicating the reasons for retrenchment and the period of notice has expired, or the workman has been paid in lieu of such notice, wages for the period of the notice :

Provided that no such notice shall be necessary if the retrenchment is under an agreement which specifies a date for the termination of service ;

- (b) the workman has been paid, at the time of retrenchment, compensation which shall be equivalent to fifteen days' average pay for every completed year of service or any part thereof in excess of six months, and
- (c) notice in the prescribed manner is served on the State Government.

6-O. Special provisions relating to workmen employed in undertakings which are transferred.—Notwithstanding anything contained in Section 6-N no workman shall be entitled to compensation under that section by reason merely of the fact that there has been a change of employers in any case where the ownership or management of the undertaking in which he is employed is transferred, whether by agreement or by operation of law, from one employer to another :

Provided that—

- (a) the service of the workman has not been interrupted by reason of the transfer ;
- (b) the terms and conditions of service applicable to the workman after such transfer are not in any way less favourable to the workman than those applicable to him immediately before the transfer, and
- (c) the employer to whom the ownership or management of the undertaking is so transferred is, under the terms of the transfer or otherwise, legally liable to pay to the workman, in the event of his retrenchment, compensation on the basis that his service has been continuous and has not been interrupted by the transfer.

6 P. Procedure for retrenchment.—Where any workman in an industrial establishment, who is a citizen of India, is to be retrenched and he belongs to a particular category of workmen in that establishment, in the absence of any agreement between the employer and the workman in this behalf, the employer shall ordinarily retrench the workman who was the last person to be employed in that category, unless for reasons to be recorded the employer retrenches any other workman.

6-Q. Re-employment of retrenched workmen.—Where any workmen are retrenched, and the employer proposes to take into his employ any persons, he shall, in such manner as may be prescribed give an opportunity to the retrenched workmen to offer themselves for re-employment, and the retrenched workmen who offer themselves for re-employment shall have preference over other persons.

6-R. Effect of laws inconsistent with Sections 6-J to 6-Q.—(1) The provision from Sections 6-J to 6-Q shall have effect notwithstanding anything inconsistent therewith contained in any other law (including Standing Orders) made under the Industrial Employment (Standing Orders) Act, 1946 :

Provided that nothing contained in this Act shall have effect to derogate from any right which a workman has under the Minimum Wages Act, 1948, or any notification or order issued thereunder or any award for the time being in operation or any contract with the employer.

(2) For the removal of doubts, it is hereby declared that nothing contained in Sections 6-J to 6-R shall be deemed to affect the provision of any other law for the time being in force so far as that law provides for the settlement of industrial disputes, but the rights and liabilities of employers and workmen in so far as they relate to lay-off and retrenchment shall be determined in accordance with the provisions of Sections 6-J to 6-Q."

9. Amendment of Section 7 of the U. P. Act XXVIII of 1947.—In Section 7 of the Principal Act—

- (i) for the words and figures, "Sections 3, 4 and 5" the words "the provisions of this Act" shall be substituted, and
- (ii) in clause (ii) for the words and figure "in the manner provided in Section 6" the words "in the prescribed manner" shall be substituted.

10. Insertion of new Sections 11-A to 11-F in the U. P. Act XXVIII of 1947.—After Section 11 of the Principal Act the following shall be inserted as new Sections 11-A to 11-F.

"11-A. Delegation of powers.—The State Government may, by notification in the official *Gazette* direct that any power exercisable by it under this Act or rules made thereunder shall, in relation to such matters and subject to such conditions, if any, as may be specified, in the direction, be exercisable also by such officer or authority subordinate to the State Government as may be specified in the notification.

11 B. Powers to remove difficulties —(1) If in the opinion of the State Government any difficulty or doubt arises as to the interpretation of any provision of an award or settlement, it may refer the question to such Labour Court or Tribunal as it may think fit.

(2) The Labour Court or Tribunal to which such question is referred, shall after giving the parties an opportunity of being heard, decide such question and its decision shall be final and binding on all such parties.

11-C. Interpretation, etc. of standing orders.—If any question arises as to the application or interpretation of a standing order certified under the Industrial Employment (Standing Orders) Act, 1946, any employer or workman may refer the question to any one of the Labour Courts specified for the disposal of such proceeding by the State Government by notification in the official *Gazette*, and the Labour Court to which the question is so referred shall, after giving the parties an opportunity of being heard, decide the question and such decision shall be final and binding on the parties.

11-D. Conciliation Officers and certain others to be public servants.—Every Conciliation Officer and every member and Chairman of a Board and every Presiding Officer of a Labour Court or Tribunal shall be deemed to be a public servant within the meaning of Section 21 of the Indian Penal Code.

11-E. Labour Court or Tribunal to be deemed Civil Court for certain purposes.—Every Labour Court or Tribunal shall be deemed to be a Civil Court for the purposes of Sections 480 and 482 of the Code of Criminal Procedure, 1898.

11-F. Powers of the Labour Court or Tribunal in relation to contempt.—(1) If any person—

- (a) when ordered by a Labour Court or Tribunal to produce or deliver up any document, being legally bound, intentionally omits to do so, or
- (b) when required by a Labour Court or Tribunal to bind himself by an oath or affirmation to state the truth, refuses to do so, or
- (c) being legally bound to state the truth on any subject to a Labour Court or Tribunal refuses to answer any question put to him touching such subject by such Labour Court or Tribunal, or
- (d) refuses to sign any statement made by him when required to do so by a Labour Court or Tribunal, or
- (e) intentionally offers any insult or causes any interruption to a Labour Court or Tribunal at any stage of its judicial proceedings,

he shall be deemed to be guilty of contempt of such Labour Court or Tribunal, as the case may be.

(2) If any person commits any act or publishes any writing, which is calculated to improperly influence a Labour Court or Tribunal, or to bring such Labour Court or Tribunal, or the Presiding Officer thereof into disrepute or contempt or to lower its or his authority, or to interfere with the lawful process of any such Labour Court or Tribunal, such person shall be deemed to be guilty of contempt of such Labour Court or Tribunal, as the case may be.

(3) The Labour Court or Tribunal shall have and exercise the same jurisdiction, power and authority in accordance with the same procedure and practice in respect of contempt of itself as the High Court has and exercises in respect of itself."

11. Amendment of Section 12 of U. P. Act XXVIII of 1947.—For Section 12 of the Principal Act the following shall be substituted as Sections 12 and 12-A :

"12. Unless any order made under this Act makes express provision to the contrary, nothing in this Act shall affect the power of the State Government to refer any industrial dispute or matters connected therewith under the Industrial Disputes Act, 1947 or to deal with any report or settlement in accordance with the provisions of that Act.

"12-A. For the removal of doubts it is hereby declared that nothing in this Act shall be deemed to preclude the Central Government from constituting a National Tribunal under the Industrial Disputes Act, 1947 for the time being in force or any such Tribunal from exercising any powers conferred upon it under that Act."

12. Substitution of Section 14 of the U. P. Act No. XXVIII of 1947.—For Section 14 of the Principal Act the following shall be substituted :

"14. Whoever contravenes any of the provisions of this Act or any rule or order made thereunder shall, if no other penalty is provided by or under the Act for such contravention, be punishable with imprisonment for a term which may extend to three years, or with fine, or with both."

13. Amendment of Section 19 of the U. P. Act No. XXVIII of 1947.—In Section 19 of the Principal Act between the words "in pursuance

of this Act" and the word "shall" the words "other than an award" shall be inserted.

14. Amendment of Section 23 of the U. P. Act XXVIII of 1947.— The existing Section 23 of the Principal Act shall be renumbered as sub-section (1) and the following shall be added thereafter as sub-sections (2) and (3):

"(2) Without prejudice to the generality of the foregoing power such rules may provide for—

- (a) the manner of appointment of Presiding Officers of Labour Courts and Tribunals and the conditions of their employment;
- (b) the manner in which reference shall be made to a Labour Court or a Tribunal;
- (c) the manner of appointment of Conciliation Officers and the conditions of their employment;
- (d) the procedure to be followed in conciliation proceedings;
- (e) the manner of remission of award by the State Government to the adjudicating authority;
- (f) the manner of registration of settlements;
- (g) the manner and the form in which muster rolls of workmen shall be maintained, and
- (h) the matters which are to be and may be prescribed.

(3) All rules made under this section, shall as soon as possible after they are made be laid before the State Legislature."

15. Insertion of Schedules in the U. P. Act No. XXVIII of 1947.— After Section 23 of the Principal Act the following shall be added as the First, Second and Third Schedules namely—

"THE FIRST SCHEDULE

(See Section 4-A)

(Matters within the jurisdiction of Labour Courts)

1. The propriety or legality of an order passed by an employer under the Standing Orders;
2. The application and interpretation of Standing Orders;
3. Discharge or dismissal of workman including reinstatement of, or grant of relief to, workmen wrongfully dismissed;
4. Withdrawal of any customary concession or privilege;
5. Illegality or otherwise of a strike or lock-out, and
6. All matters other than those specified in the Second Schedule.

THE SECOND SCHEDULE

(See Section 4-B)

(Matters within the jurisdiction of Industrial Tribunals)

1. Wages, including the period and mode of payment.
2. Compensatory and other allowances.
3. Hours of work and rest intervals.
4. Leave with wages and holiday.

5. Bonus, profit sharing, provident fund and gratuity.
6. Shift working otherwise than in accordance with standing orders.
7. Classification by grades.
8. Rules of discipline.
9. Rationalization.
10. Retrenchment of workmen and closure of establishment.
11. Any other matter that may be prescribed.

THE THIRD SCHEDULE

(See Section 4-1)

(Conditions of service for change of which notice is to be given)

1. Wages including the period and mode of payment.
2. Contribution paid, or payable, by the employer to any provident fund or pension fund or for the benefit of the workmen under any law for the time being in force.
3. Compensatory and other allowances.
4. Hours of work and rest intervals.
5. Leave with wages and holidays.
6. Starting, alteration or discontinuance of shift working otherwise than in accordance with standing orders.
7. Classification by grades.
8. Withdrawal of any customary concession or privilege or change in usage.
9. Introduction of new rules of discipline, or alteration of existing rules, except in so far as they are provided in standing orders.
10. Rationalization, standardization or improvement of plant or technique which is likely to lead to retrenchment of workmen.
11. Any increases or reduction (other than casual) in the number of persons employed or to be employed in any occupation or process or department or shift, not due to forced matters."

16. Saving.—If immediately before the commencement of this Act, there is pending any proceeding in relation to an industrial dispute before any authority constituted under the U. P. Industrial Disputes Act, 1947, as in force before such commencement, the dispute may be adjudicated and the proceeding disposed of by that authority after such commencement, as if this Act had not been passed.

17. Removal of transitional difficulties.—(1) The State Government may for the purpose of removing any difficulties particularly in relation to the transition from the provisions of the Principal Act to the provisions of that Act as amended by this Act, by order direct that the Principal Act amended as aforesaid and any rules or orders framed or issued under the Principal Act, shall during the period of two years next after the commencement of this Act have effect subject to such adaptations, whether by way of modification, addition or omission, as it may deem to be necessary or expedient.

(2) Every order made under sub-section (1) shall be laid before both the Houses of the State Legislature and the provisions of Section 6-A of the Principal Act shall remain enforceable with reference to such a proceeding.

U. P. WOMEN'S AND CHILDREN'S INSTITUTIONS (CONTROL) ACT, 1956

(U. P. Act No. II of 1957)

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(As passed by the Uttar Pradesh Legislature)

AN ACT

to provide for the better control and supervision of institutions caring for Women and Children

Preamble.—Whereas it is expedient to provide for the better control and supervision of orphanages and other institutions caring for women and children and to provide for the proper custody, care and training of their inmates ;

It is hereby enacted in the Senventh Year of the Republic of India as follows :

Note.—The Act received the assent of the President on January 9, 1957 and the English translation of the Act was published in U. P. *Gazette Extra*, dated January 15, 1957.

CHAPTER I

Preliminary

1. Short title, extent and commencement.—(1) This Act may be called the Uttar Pradesh Women's and Children's Institutions (Control) Act, 1956.

(2) It extends to the whole of Uttar Pradesh.

(3) It shall come into force on such date as the State Government may, by notification in the official *Gazette*, appoint and different dates may be appointed for different areas of the State.

2. Definitions.—(1) In this Act, unless there is anything repugnant to the subject or context,—

(i) "Board" means the Administrative Board established under Section 5;

(ii) "child" means a boy or a girl who has not attained the age of eighteen years;

(iii) "fit person" includes an institution, association or body of individuals, whether incorporated or not, established for or having for its object the reception or protection of women or children or the prevention of cruelty to children or exploitation of women for immoral purposes and which undertakes to train and rehabilitate, or to bring up or to give facilities for training or rehabilitation or bringing up of any woman or child entrusted to its care in conformity with the religion of her or his birth;

(iv) "institution", by whatever name it may be called, means an orphanage, widow's home, vigilance home, rescue home, marriage bureau and includes any like institution, shelter or place or organization, which accepts for care, three or more women or children or both or which is so organized or administered that its service is essentially institutional in character regardless of the number of inmates cared for;

(v) "licensing authority" means the District Magistrate of a district or any special officer appointed by the District Magistrate to perform on his behalf the duties of the licensing authority;

(vi) "licensed institution" means an institution licensed under this Act;

(vii) "manager" means and includes the owner and any person having or acting in the care or management of an institution, and also includes the members of the managing committee of that institution;

(viii) "prescribed" means prescribed by rules made under this Act;

(ix) "State Government" means the Government of Uttar Pradesh; and

(x) "woman" denotes a female of eighteen years of age and above.

(2) Words and expressions used and not defined in this Act but defined in the Code of Criminal Procedure, 1898, shall have the meaning assigned to them in that Code.

3. Effect on other enactments.—The provisions of this Act shall be in addition to and not in derogation of the provisions of any other enactment relating to or affecting institutions with respect to which this Act applies except so far as those provisions are expressly repealed by this Act.

4. Savings.—This Act shall not apply to any institution maintained by the State Government or Central Government or local authority or to any home or hostel attached to a recognized educational institution.

CHAPTER II

Administrative Machinery

5. Administrative Board.—(1) There shall be established by the State Government an Administrative Board for purposes of this Act.

(2) The Board shall be a body corporate having perpetual succession and a common seal and shall by the said name sue and be sued.

6. Constitution of the Board.—(1) The Board shall consist of—

- (a) a chairman to be appointed by the State Government ;
- (b) three members including a woman to be elected by the members of the U. P. Legislative Assembly from amongst themselves ;
- (c) one member to be elected by the members of the U. P. Legislative Council from amongst themselves ;
- (d) nine other members to be appointed by the State Government ; and
- (e) the Director of Social Welfare, U. P., or his nominee.

(2) The members under clause (d) shall be chosen from amongst persons who are social workers or who are associated with institutions devoted to social welfare and such members shall include five women.

(3) The Director, Social Welfare, U. P., or his nominee shall be *ex officio* Secretary of the Board.

7. Term of the Board and the members.—(1) The term of the Board shall be three years : Provided that the State Government may, by notification in the official *Gazette*, enlarge the term by a period not exceeding one year :

Provided further that a member elected under clause (b) or (c) of subsection (1) of Section 6 shall cease to be a member of the Board if he ceases to be a member of the Legislative Assembly or the Legislative Council, as the case may be.

(2) A member elected or nominated to fill a casual vacancy shall serve for the remainder of his predecessor's term of office.

(3) A member may resign his office by writing under his hand addressed to the State Government, but he shall continue in office until the appointment of his successor is notified in the official *Gazette*.

8. Temporary absence of any member.—If any member is by infirmity or otherwise rendered temporarily incapable of carrying out his duties or is absent on leave or otherwise in circumstances not involving the vacation of his appointment, the State Government may appoint another person to act in his place during his absence.

9. Meeting of the Board.—The Board shall meet at such times and

places and shall observe such rules or procedure in regard to the transaction of business at its meetings as may be prescribed.

10. Vacancy amongst members or defect in the constitution not to invalidate acts or proceedings of the Board.—No act or proceeding of the Board shall be deemed to be invalid by reason merely of any vacancy in, or any defect in, the constitution of the Board.

11. Appointment of sub-committee.—Subject to such directions as the State Government may issue, the Board may—

- (a) appoint, for carrying out the purposes of this Act, a local committee for any district or area, and
- (b) appoint one or more committees or sub-committees for the purpose of enabling it to carry out its functions under this Act.

12. Local committees.—The constitution and the powers, duties and functions of the committee or sub-committee appointed under Section 11 and the procedure to be followed for carrying out of its business by such committee or sub-committee shall be such as may be prescribed.

13. Temporary association of persons with the Board for particular purposes.—(1) The Board may associate with itself in such manner and for such purposes as may be prescribed any person whose assistance or advice it may desire in carrying out any of its functions under this Act.

(2) A person associated with the Board under sub-section (1) for any purpose shall have a right to take part in the discussions relevant to that purpose, but shall not have a right to vote at a meeting of the Board, and shall not be a member for any other purpose.

14. Staff of the Board.—Subject to such rules as may be made by the State Government in this behalf, the Board may, for the purpose of enabling it to efficiently perform its functions or exercise its powers under this Act, appoint such officers or other employees as it may think fit and determine their functions and conditions of service.

15. Powers and functions of the Board.—The Board shall—

- (a) advise the State Government on matters concerning the licensing, maintenance and conduct of institutions ;
- (b) generally supervise, direct and control all matters relating to the management of institutions in accordance with the provisions of this Act ; and
- (c) exercise such other powers and perform such other functions and duties as may be prescribed by or under this Act.

16. Powers of the State Government.—The State Government may issue from time to time such directions to the Board as may be necessary for carrying out the purposes of this Act and it shall be the duty of the Board and its officers and servants to forthwith carry out such directions.

17. Grant by the State Government.—The State Government may pay to the Board in each financial year such sums as the State Government may consider necessary for the performance of the functions of the Board under this Act.

18. Fund of the Board.—(1) The Board shall have its own fund, and all sums which may, from time to time, be paid to it by the State Government, all donations and subscriptions received from any person and all

other receipts of the Board shall be carried to the fund of the Board and all payments by the Board shall be made therefrom.

(2) The Board may expend such sums as it thinks fit for performing its functions under this Act, and such sums shall be treated as expenditure payable out of the fund of the Board.

19. Budget.—(1) The Board shall prepare, in such form and at such time each year as may be prescribed, a budget in respect of the financial year next ensuing showing the estimated receipts and expenditure.

(2) The budget shall be submitted in the prescribed manner to the State Government for its approval, and the State Government may make such modification therein as it may consider necessary.

20. Annual report.—The Board shall prepare, in such form and at such time each year as may be prescribed, an annual report giving a true and full account of its activities during the previous year and copies thereof shall be forwarded to the State Government.

21. Accounts and audit.—(1) The Board shall cause to be maintained such books of accounts and other books in relation to its account in such form and in such manner as may be prescribed.

(2) The accounts of the Board shall be audited in such manner as may be prescribed.

22. Returns.—The Board shall furnish to the State Government such returns, statistics, accounts and other information with respect to its fund or activities as the State Government may from time to time require.

23. Delegation of powers.—The Board may, by general or special order in writing, delegate to the Chairman or any other member or any officer of the Board, subject to such conditions and limitations, if any, as may be specified in the order, such of its powers and functions under this Act, as it may deem necessary, for the efficient running of the day-to-day administration of the Board.

CHAPTER III

Licensing

24. Licence to establish and maintain institutions.—In any case other than that provided in Section 34, no person shall, without first having obtained a written licence from the licensing authority, own, establish, maintain or conduct any institution for women or children.

25. Application for licence.—(1) An application for licence for an institution for women or children shall be made in writing in the prescribed form by the manager of the institution to the licensing authority.

(2) If the application is in order the licensing authority shall cause to be made in respect of it such enquiries as may be prescribed and also as it may consider necessary.

26. Grant or refusal of a licence.—(1) Where as a result of the enquiry under Section 25, the licensing authority is of the opinion that—

(a) a licence should be granted, he shall grant a licence in the prescribed form; or

(b) a licence should not be granted, he shall reject the application and inform the applicant accordingly.

27. Appeal against refusal to grant a licence.—(1) Any person aggrieved of an order of the licensing authority under clause (b) of Section 26 may, within one month of the date of receipt of the order rejecting the application for a licence, appeal to the Board.

(2) The order of the Board on such appeal shall be final and shall not be questioned in any court of law in any manner.

28. Conditions of licence.—(1) The licence shall specify—

- (a) the name and location of the licensed institution;
- (b) the name of manager;
- (c) the nature of the institution, whether for women or for children or for both;
- (d) number of inmates to be taken by the institution; and
- (e) any other conditions and particulars as may be prescribed.

(2) No licensed institution shall, unless authorized in this behalf by the licensing authority, admit as inmates persons of different sexes above the age of eight years.

(3) The licensing authority shall not ordinarily permit any licensed institution to admit as inmates persons of different sexes, but may do so for reasons to be recorded and subject to such conditions and limitations as may appear to it to be necessary in the public interest.

29. Change of location or service.—A licensed institution shall not change its location specified in the licence nor shall alter the performance of any service specified therein without the previous written consent of the licensing authority.

30. Periodical attestation.—(1) The manager of a licensed institution shall, at the expiry of two years from the commencement of the licence and every two years thereafter, produce the licence before the licensing authority for attestation and endorsement.

(2) The licensing authority may, before attesting and endorsing the licence, require the licensee to furnish any information as regards the working of the licensed institution during the preceding two years, and it shall be the duty of the manager of the licensed institution to furnish, as far as lies within his power, the required information.

(3) If the manager fails to furnish the required information or if the licensing authority has reasons to believe that the institution or its management has been responsible for act or acts mentioned in sub-section (1) of Section 31, it shall, unless for reasons to be recorded it decides otherwise, require the licensee to show cause why the licence should not be cancelled and the provisions of Sections 31 and 32 shall then apply as if it were a requisition under Section 31.

(4) Where the licensing authority does not require the information aforesaid, it shall attest and endorse the licence but while doing so may impose any fresh condition which may appear to it to be necessary. Whenever the licensing authority imposes any fresh condition the licence shall stand modified accordingly.

31. Cancellation of licence.—(1) Where the licensing authority is, after consulting the Board, satisfied—

- (a) that the licensed institution is not being conducted in accordance with the conditions laid down in the licence, or

(b) that the management of the licensed institution had been persistently unsatisfactory or prejudicial to the moral and physical well-being of the inmates, or

(c) that the licensed institution has, in the opinion of the licensing authority, otherwise rendered itself unsuitable,

it may by notice require the manager of the licensed institution to show cause within a reasonable period to be specified why the licence should not be cancelled.

(2) Where the manager of the licensed institution does not appear in reply to the notice under sub-section (1) or where he appears but fails to show cause, the licensing authority may, after making such further inquiry as it deems necessary, either—

(a) cancel the licence in which case the institution shall be closed down and shall cease to function from such date as the licensing authority shall fix, or

(b) instead of cancelling the licence, prohibit the admission of women or children, as the case may be, to the institution for such time as it may fix.

(3) Where any licence is cancelled under clause (a) of sub-section (2), the licensing authority may, for the period until the institution is closed, issue such directions, which also includes the appointment of an administrator, as he may deem necessary and reasonable for the conduct of the institution.

(4) Any person aggrieved by an order of the licensing authority may, within one month of the date of receipt of the order, appeal to the State Government.

(5) The order of the State Government on such appeal shall be final and shall not be questioned in any court of law in any manner.

32. Effect of cancellation of licence.—The licensing authority, on cancellation of the licence of any licensed institution, may direct that any woman or child who is an inmate of such place may be—

(a) transferred to another licensed institution wherever one such institution exists; or

(b) restored to the custody of her or his parent, husband or guardian, as the case may be; or

(c) released to the care of any other fit person.

33. Application for licence for existing institutions.—An application for a licence for an institution already in existence on the date of commencement of this Act in the area concerned, shall be made within such period from the said date as the State Government may, by notification in the official *Gazette* fix, and all the provisions of this Act relating to an application for licence and an appeal, shall thereafter apply *mutatis mutandis* for the making and hearing of such application and appeal.

34. Continuation of existing institutions.—(1) An institution referred to in Section 33 may, notwithstanding anything in Section 24, continue to be maintained and conducted as heretofore till the disposal of the application for the grant of licence under this Act.

(2) Where an application for the grant of a licence for such institution has been finally refused, the person owning, maintaining or conducting such

institution shall forthwith take steps to close the institution and shall be bound to close down the same by the date specified by the licensing authority.

35. Notice regarding failure to file application for licence for an existing institution.—(1) Where no application has been made in accordance with Section 33 for the grant of a licence for an institution referred to therein, the licensing authority shall send a notice to the person owning, maintaining or conducting such institution to show cause why the institution should not be deemed to have been owned, maintained, or conducted without first having obtained a licence.

(2) Where the person upon whom notice has been served under sub-section (1) appears before the date specified in the notice and satisfies the licensing authority that there was sufficient cause for his failure to make an application for the grant of licence and makes an application forthwith, the licensing authority shall cancel the notice and shall entertain his application and proceed to consider it as if it were an application received in accordance with the provisions of Section 33.

(3) Where the person upon whom notice has been served under sub-section (1) does not appear before the date specified in the notice, the licensing authority shall order that the institution be closed with effect from the date to be specified by him and shall serve a copy of the order on the person owning, maintaining or conducting the institution.

(4) Where the institution in respect of which an order has been passed under sub-section (3) continues to function after the date specified in the order, it shall be deemed to have been owned, established, maintained or conducted by the person without first having obtained a licence.

36. Transfer of licence.—A licence granted under this Act shall not be transferable.

37. Penalty for operation without licence.—(1) Any person who owns, maintains, establishes or conducts whether as manager or officer or in any other administrative capacity or who assists in maintaining, establishing or conducting any institution or performance of any service specified in clause (iv) of sub-section (1) of Section 2 of this Act, without first having obtained a licence, shall be guilty of an offence punishable with fine up to five hundred rupees.

(2) Whoever, having been convicted by a court of an offence punishable under sub-section (1) with fine, shall be guilty of that offence a second time or subsequently, shall be punishable with imprisonment for a term which may extend to six months or with fine which may extend to one thousand rupees or with both.

(3) The inmates of any such institution shall be liable to be removed therefrom and be placed in the discretion of the licensing authority in any other licensed institution.

38. Surrender of licence and its effect.—(1) The manager of a licensed institution may, on giving six months' notice in writing to the licensing authority of his intention to do so, apply for cancellation of the licence of the institution and accordingly at the expiration of six months from the due date of notice, unless before that time the notice is withdrawn, the cancellation of the licence shall take effect and the institution shall cease to function.

(2) No woman or child shall be received into an institution mentioned in sub-section (1) after the date of a notice of cancellation of the licence :

Provided that the obligation of the manager to teach, train, lodge, clothe and feed inmates in the institution shall continue during the period of six months till cancellation of the licence takes effect under sub-section (1).

(3) When an application for cancellation of licence has been filed under sub-section (1), the licensing authority may, in such special cases as he may deem necessary, appoint an administrator for such period and with such powers, as may be prescribed. On the appointment of the administrator in the aforesaid manner, the manager of the institution, or any other person or authority responsible for the management of the institution, shall be bound to conduct the institution in accordance with the directions of the administrator.

CHAPTER IV

Management of Licensed Institution

39. Committee of Management.—(1) There shall be a management committee in charge of the management of every licensed institution and the members of the management committee shall be deemed to be the managers of the institution for the purposes of this Act.

(2) The powers and functions of the management committee and the term of office of the members shall be such as may be provided in the constitution pertaining to such institution.

40. Associate Members.—(1) The following shall be deemed to be *ex officio* Associate Members of the management committee of every licensed institution in the district—

- (a) a nominee of the Board ;
- (b) a nominee of the local authority concerned ;
- (c) the Civil Surgeon or a person having such qualification as may be prescribed, to be nominated by him ; and
- (d) the District Inspector of Schools.

(2) An Associate Member shall have a right to speak in and otherwise take part in the proceedings of the management committee but shall not be entitled to vote thereat notwithstanding anything contained in sub-section (1) and shall not be deemed to be manager of the institution for the purposes of this Act.

41. Powers of the Board to order amendment of rules of management and reconstitution of management committee.—Whenever it is expedient so to do the Board may, for reasons to be recorded in writing, order—

- (a) that the constitution pertaining to the management of the licensed institution shall be and be deemed to have been amended in the manner specified by the Board ; or
- (b) that the committee of management be constituted or reconstituted in the manner specified by the Board.

42. Manager of licensed institution bound to teach and train every inmate of the institution.—(1) The manager of a licensed institution shall be bound to teach, train, lodge, clothe and feed every woman or

child admitted in the institution till the woman is rehabilitated or the child attains the age of eighteen years or until their withdrawal from the institution before it or the expiration of the institution.

(2) Where a woman inmate has a paying guardian as envisaged by clause (g) of Section 43, the institution need not be held responsible for the rehabilitation of the woman.

43. Register of records.—The manager of a licensed institution shall maintain a register in the prescribed form containing the following particulars concerning each woman or child admitted in the institution,—

- (a) name of the inmate ;
- (b) age, sex, religion ;
- (c) condition of her or his health on admission ;
- (d) last address ;
- (e) nearest of kin ;
- (f) names of father and mother stating whether dead or living ; name of husband in case of a married woman ;
- (g) person responsible for her or his care ;
- (h) amount, if any, paid for care ;
- (i) name of person or agency seeking admission of the woman or child ;
- (j) reason for admission ;
- (k) terms and conditions of admission ;
- (l) a brief history of the case ; and
- (m) such other particulars as from time to time may be prescribed.

44. Manager to file copy of register.—The manager of a licensed institution shall file a copy of the register with the Board at such intervals as may be prescribed.

45. Death of inmates or change in personnel.—Upon the occurrence of death of any inmate or change in the management committee of any licensed institution, the manager thereof shall within forty-eight hours give written notice thereof to the licensing authority and the Board :

Provided that the case of any sudden death of an inmate shall be reported immediately.

46. Submission of audited accounts.—The manager of licensed institution shall maintain proper accounts of all sums of money received and spent by him and shall also file with the Board an annual statement of accounts duly audited by such authority as may be prescribed.

47. Inspection.—Any licensed institution may be inspected in the prescribed manner by any member of the Board or the licensing authority, or by such other person as may be authorized generally or specially by the Board in this behalf subject to such conditions as may be prescribed.

48. Powers of the Board to issue general directions.—The Board may issue such directions to the manager of a licensed institution as may be necessary for carrying out the purposes of this Act and it shall be the duty of the manager to forthwith carry out such directions.

49. Employment of trained social workers.—Every licensed institution shall, as and when required by the Board, employ social workers trained in training centres recognized or maintained by the State Government.

50. Nomenclature of institutions.—The nomenclature of a licensed institution shall be such as may be approved by the Board.

CHAPTER V

Miscellaneous

51. Protection of Officers.—No suit, prosecution or other legal proceeding shall lie against any person empowered to perform any function under this Act for anything which is done or intended to be done in good faith under this Act or rules made thereunder.

52. Public Servant.—Every person empowered to perform any function under the Act shall be deemed to be a public servant within the meaning of Section 21 of the Indian Penal Code.

53. Fines.—Fines imposed under this Act may be recovered in the manner prescribed by the Code of Criminal Procedure, 1898.

54. Power to make rules.—(1) The State Government may, by notification in the official *Gazette*, make rules to carry out the purposes of of this Act and enforce them immediately. All such rules shall be laid for not less than fourteen days before the State Legislature as soon as they are made, and if any amendment in them is moved by any member within the said period, they shall apply with such modifications as the Legislature may make in them.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely,—

- (a) the term of office and the salaries, allowance and conditions of service of members of the Board ;
- (b) the functions and duties of the Board ;
- (c) the form in which, and the time within which, the budget and annual report of the Board may be prepared and forwarded to the State Government ;
- (d) the form and the manner in which the accounts of the Board may be maintained, and the time at which, and the manner in which, such accounts may be audited ;
- (e) the returns and information which the Board may be required to furnish to the State Government ;
- (f) the terms and conditions of service of officers and employees appointed by the Board ;
- (g) the meetings of the Board and the procedure for conducting business thereat ;
- (h) the manner in which, and the purposes for which, sub-committees and local committees may be appointed ;
- (i) the manner in which, and the purpose for which, the persons may be associated with the Board under Section 13 ;

- (j) the terms and conditions of service of the members of sub-committees, and local committees, and of persons associated with the Board under Section 13 ;
- (k) matters relating to the supervision, direction and control of management of licensed institutions under this Act ;
- (l) the procedure relating to the grant or refusal of licence under Section 26 ;
- (m) the procedure relating to attestation of licence under Section 30 ;
- (n) the procedure relating to cancellation of licence under Section 31 ;
- (o) the procedure relating to the filing of and disposal of appeals under Section 27 or Section 31 ;
- (p) the matters relating to the transfer of inmates from one institution to another under Section 32 ;
- (q) the matters relating to the closure of existing institutions under Section 34 ;
- (r) the procedure relating to the hearing of notice under Section 35 ;
- (s) matters relating to management of licensed institutions and maintenance of discipline therein ; and
- (t) matters which are to be and may be prescribed.

THE UTTAR PRADESH STATE LEGISLATURE MEMBERS (PREVENTION OF DISQUALIFICATION) (SUPPLEMENTARY) ACT, 1956

(U. P. ACT No. III OF 1957)

CONTENTS

Sections

1. Short title and commencement.
2. Prevention of disqualification for

Sections

membership of the State Legislature.

[*Authoritative English text of the Uttar Pradesh Rajya Vidhan Mandal Sadasya
(Anarhata Nivaran) Anupoorak Adhiniyam, 1956*]

AN ACT

*to declare certain offices of profit not to disqualify their holders for being chosen as, or
for being, members of the State Legislature*

Whereas it is necessary to declare certain offices of profit not to disqualify their holders for being chosen as, or for being, members of the State Legislature ;

It is hereby enacted in the Seventh Year of the Republic of India as follows :

Prefatory Note.—The Statement of Objects and Reasons as attached to the bill is given below :—

“Government are advised that enrolment in the Auxiliary Air Force or the Air Defence Reserve under the Reserve and Auxiliary Air Forces Act, 1952, amounts to holding an office of profit under the Government for the purpose of Article 191 of the Constitution, thus disqualifying the person concerned from membership of the State Legislature. It is considered desirable that enrolment in the Auxiliary Air Force or the Air Defence Reserve should not disqualify the persons enrolled for being chosen as, or for being, members of the State Legislature.

2. It has also been considered desirable that certain other offices which have been declared not to disqualify the holders thereof for being chosen as, or for being, members of the Parliament should likewise be declared not to disqualify them for membership of the State Legislature.

3. The Bill is being introduced with this object in view." (Vide U. P. Gaz. Extra. dated December 17, 1956.)

1. Short title and commencement.—(1) This Act may be called the Uttar Pradesh State Legislature Members (Prevention of Disqualification) (Supplementary) Act, 1956.

(2) It shall come into force at once.

Note.—The Act was passed in Hindi by the Uttar Pradesh Legislative Assembly on December 19, 1956, and by the Uttar Pradesh Legislative Council on December 21, 1956.

Received the assent of the Governor on January 14, 1957, under Article 200 of the Constitution of India and was published in the *Uttar Pradesh Gazette: Extraordinary*, dated January 19, 1957.

Published in the *Uttar Pradesh Gazette Extraordinary*, dated January 19, 1956.

2. Prevention of disqualification for membership of the State Legislature.—It is hereby declared that the following offices shall not disqualify and shall be deemed never to have disqualified the holder thereof for being chosen as, or for being, members of the Uttar Pradesh State Legislature :

- (a) Office of a Minister of State or a Deputy Minister or a Parliamentary Secretary or a Parliamentary Under-Secretary under the Government of India ;
- (b) offices of Vice-Chancellors of Universities established by law in India ;
- (c) offices of the Deputy Chief Whips of the Parliament, and
- (d) membership of the Auxiliary Air Force or the Air Defence Reserve under the Reserve and Auxiliary Air Forces Act, 1952.

THE UTTAR PRADESH LAND REVENUE (TEHRI-GARHWAL AMENDMENT) ACT, 1956

(U. P. Act No. IV of 1957)

CONTENTS

<i>Sections</i>	<i>Sections</i>
1. Short title and commencement.	17 of the Act.
2. Amendment of Sections 2, 3, 4, 8 and	SCHEDULE

[*Authoritative English text of the Uttar Pradesh Land Revenue (Tehri-Garhwal Sanshodhan) Adhiniyam, 1956*]

AN ACT

to amend the United Provinces Land Revenue Act, 1901 in its application to Tehri-Garhwal

Whereas it is expedient to amend the United Provinces Land Revenue Act, 1901 in its application to Tehri-Garhwal ;

It is hereby enacted in the Seventh Year of the Republic of India as follows :

Prefatory Note.—The Statement of Objects and Reasons as attached to the bill is given below :—

"Provisions of Sections 1 to 27 of the U. P. Land Revenue Act, 1901, as applicable to plains, were extended to, applied and enforced in the erstwhile Tehri-Garhwal State under the Tehri-Garhwal (Application of Laws) Order, 1949. The conditions in Tehri-Garhwal being generally akin to those in the rest of the Kumaun Division, the remaining provisions of the Act were later applied to and enforced in Tehri-Garhwal as they were applicable to the rest of the Kumaun Division. This difference between the two applications of the Act created slight inconsistencies in the definitions and the terms given in Section 4 of the Principal Act as applied earlier and certain other inconsistencies. The Bill seeks to remove the inconsistencies by bringing the provisions at par with the rest of the provisions of the Act as applicable to Tehri-Garhwal." Vide U. P. Gaz. Extra. dated December 18, 1956.

1. Short title and commencement.—(1) This Act may be called the Uttar Pradesh Land Revenue (Tehri-Garhwal Amendment) Act, 1956.

(2) It shall, and shall be deemed to have come into force with effect from March 22, 1956.

Note.—The Act was passed in Hindi by the Uttar Pradesh Legislative Assembly on December 20, 1956, and by the Uttar Pradesh Legislative Council on December 28, 1956.

Received the assent of the Governor on January 14, 1957 under Article 200 of the Constitution of India and was published in the *Uttar Pradesh Gazette Extraordinary*, dated January 19, 1957.

Published in the *Uttar Pradesh Gazette Extraordinary*, dated January 19, 1957.

2. Amendment of Sections 2, 3, 4, 8 and 17 of the Act.—The United Provinces Land Revenue Act, 1901 as at present in force in the district of Tehri-Garhwal shall be and is hereby amended as in the Schedule in its application to that district :

SCHEDULE

Section of the Act	Amendment
Section 2	Sub-section (1) shall be omitted.
Section 3	Shall be omitted.
Section 4	(1) Clauses (1-A), (13), (14), (15) and (16) shall be omitted. (2) For clause (3) the following shall be substituted : “(3) ‘Lambardar’ means— (a) a co-sharer of a mahal appointed under this Act to represent all or any of the co-sharers in that mahal or a mukhtar or recognized agent of such co-sharer whether called a malguzar, padhan or sirgiroh, and (b) a ghar padhan”.
Section 8	Words “on appeal” shall be omitted.
Section 17	For the words “Naib Tahsildars” the word “Peshkars” shall be substituted.

THE UTTAR PRADESH REPEALING AND AMENDING (SECOND) ACT, 1956

(U. P. ACT No. V OF 1957)

CONTENTS

Sections

1. Short title and commencement.
2. Repeal of certain enactments.
3. Amendment of certain enactments.

Sections

4. Savings.
5. Validation.

SCHEDULES

(As passed by the U. P. Legislature)

AN ACT
to repeal and amend certain enactments

Whereas it is expedient to repeal and amend certain enactments ;

It is hereby enacted in the Seventh Year of the Republic of India as follows:

Prefatory Note—The Statement of Objects and Reasons as attached to the bill is given below :—

"The Bill is intended to repeal the Uttar Pradesh Zamindari Abolition and Land Reforms (Amendment) Act, 1955 and to make certain minor amendments in the Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950 and the Indian Tolls Act, 1904 and the Uttar Pradesh General Clauses Act, 1904. The Uttar Pradesh Zamindari Abolition and Land Reforms (Amendment) Act, 1955 is being repealed as it has served its purpose.

The amendments in the Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950, are to correct the errors or other clerical omissions detected therein. The amendments in the other two Acts are of a minor nature." Vide U. P. Gaz. Extra. dated December 17, 1956,

1. Short title and commencement.—(1) This Act may be called the Uttar Pradesh Repealing and Amending (Second) Act, 1956.

(2) It shall come into force at once.

Note—The Act received the assent of the Governor on January 14, 1957 and the English translation of the Act was published in U. P. Gaz. Extra. dated January 19, 1957.

2. Repeal of certain enactments.—The enactment specified in the First Schedule is hereby repealed to the extent mentioned in the fifth column thereof.

3. Amendment of certain enactments.—The enactments specified in the Second Schedule are hereby amended to the extent and in the manner mentioned in the fifth column thereof.

4. Savings.—The repeal by this Act of any enactment shall not affect any other enactment in which the repealed enactment has been applied, incorporated or referred to ;

and this Act shall not affect the validity, invalidity, effect or consequences of anything already done or suffered, or any right, title, obligation or liability already acquired, accrued or incurred, or any remedy or proceeding in respect thereof or any release or discharge of or from any debt, penalty, obligation, liability, claim or demand, or any indemnity already granted or the proof of any past act or things;

nor shall this Act affect any principle or rule of law, or established jurisdiction, form or course of pleading, practice or procedure, or existing usage, custom, privilege, restriction, exemption, office or appointment, notwithstanding that the same respectively may have been in any manner affirmed, recognized or derived by, in or from any enactment hereby repealed ;

nor shall the repeal by this Act of any enactment revive or restore any jurisdiction, office, custom, liability, right, title, privilege, restriction, exemption, usage, practice, procedure or other matter or thing not now existing or in force.

5. Validation.—For the removal of doubts it is hereby declared that all orders or notifications of the nature specified in Section 22 of the U. P. General Clauses Act, 1904, made or issued or purported to be made or issued on or after the first day of January, 1956, under or in accordance with the provisions of any enactment and any action or proceedings taken, directions

issued or jurisdiction exercised or purported to be taken, issued or exercised by any authority in pursuance of such orders or notifications shall be deemed to be as good and valid in law as if the provision of this Act had been in force at all material dates.

SCHEDULE I

Repeals (Section 2)

Serial No.	Year	No.	Short title	Extent of repeal
1	2	3	4	5
1	1955	VII	The U. P. Zamindari Abolition and Land Reforms (Amendment) Act, 1955.	The whole.

SCHEDULE II

Serial No.	Year	Number of enactment	Short title	Amendment
1	2	3	4	5
1	1851	VIII	The Indian Tolls Act, 1851.	For Section 4 the following shall be substituted : "4. No tolls shall be paid for the passage of— (i) police officers on duty, or of any person or property in their custody, (ii) any other Officer of the Central Government or the State Government on official duty, and (iii) such other person or classes of persons on duty in similar circumstances as the State Government may specify in this behalf."
2	1904	I	The U. P. General Clauses Act, 1904.	For Section 22 of the U. P. General Clauses Act, 1904, the following shall be and be deemed always to have been substituted : "22. <i>Making of rules or bye-laws and issuing of orders and notifications between publication and commencement of enactment.</i> —Where by any Uttar Pradesh Act, which is not to come into force on the day on which it is first published in the official Gazette a power is conferred to make rules or bye-laws or to issue orders or notifications, with respect to the application of the Act or in the exercise of any power exercisable thereunder or under any enactment

Serial No.	Year	Number of enact- ment	Short title	Amendment
1	2	3	4	5
				thereby amended, or with respect to the establishment of any court or office, or the appointment of any Judge or officer thereunder, or with respect to the person by whom, or the time when, or the place where, or the manner in which, or the fees, taxes, cess or other dues for which, anything is to be done under the Act, then that power may be exercised at any time after the Act has been published as aforesaid; but rules, bye-laws, orders or notifications, so made or issued shall not take effect till the commencement of the Act."
3	1951	I	The U. P. Zamindari Abolition and Land Reforms Act, 1950.	<p>(1) In the proviso to sub-section (2) of Section 14, between the words "Gaon Sabha" and "under" the words "or the Collector" shall be inserted,</p> <p>(2) In sub-clause (b) of clause (h) of sub-section (1) of Section 21, between the words "occupied" and "after" the words "on or" shall be inserted.</p> <p>(3) In the proviso to sub-section (1) of Section 161, for the words "Assistant Collector" the words "Assistant Collector, 1st Class" shall be substituted.</p> <p>(4) In sub-section (4) of Section 186, for the words and figures "Sections 172 and 173" the word and figures "Section 172" shall be substituted.</p> <p>(5) In sub-section (2) of Section 246, for the words "Assistant Collector" the words "Assistant Collector, First Class" shall be substituted.</p> <p>(6) In column 4 of the entry against Sl. No. 40 of Schedule II, for the words "Assistant Collector" the words "Assistant Collector, First Class" shall be substituted.</p> <p>(7) In clause (a) of sub-paragraph (1) of paragraph 2 of Schedule V, the words "before the said commencement" shall be deleted.</p>

THE UTTAR PRADESH ANATOMY ACT, 1956

(U. P. Act No. VI of 1957)

CONTENTS

Sections

1. Short title, extent and commencement.
2. Definitions.
3. Power of State Government to authorize Officers to act under Section 4.
- 4.
- 5.
6. Doubt or dispute as to relatives.
7. Penalty.

Sections

8. Duty of Police and other officials to assist in obtaining possession of unclaimed dead bodies.
9. Protection of persons acting under this Act.
10. Officers to be public servants.
11. Power to make Rules.

(As passed by the U. P. Legislature)

AN ACT

to provide for the supply of unclaimed dead bodies of deceased persons to teaching medical institutions for the purpose of anatomical examination and dissection

Whereas it is expedient to provide for supply of unclaimed dead bodies of deceased persons to teaching medical institutions for the purpose of anatomical examination and dissection ;

It is hereby enacted in the Seventh Year of the Republic of India as follows :

1. Short title, extent and commencement.—(1) This Act may be called the Uttar Pradesh Anatomy Act, 1956.

(2) It extends to the whole of Uttar Pradesh.

(3) This section shall come into force at once and the remaining provisions of this Act shall come into force on such date and in such area as the State Government may by notification in the official *Gazette* specify in that behalf.

Note.—The Act received the assent of the Governor on January 14, 1957 and the English translation of the Act was published in U. P. Gaz. Extra. dated January 19, 1957.

2. Definitions.—(1) In this Act, unless there is anything repugnant in the subject or context—

(a) “authorized officer” means an officer authorized to act under Section 5 ;

(b) “medical institution” means a hospital or a medical or teaching institution established, maintained or recognized as such by notification in the official *Gazette*, by the State Government to carry on anatomical examination or dissection, or both ;

(c) “relative means any person related to the deceased as wife, husband, parent, son, daughter, brother, or sister and includes any other person related to the deceased—

(i) by lineal consanguinity within six degrees or by collateral consanguinity within twelve degrees ; or

(ii) by marriage with any of the relatives specifically mentioned in this clause or with any other relative within the aforesaid degrees, or

(iii) as preceptor or disciple within three degrees.

Explanation.—The expression “lineal and collateral consanguinity” shall have the meaning assigned to them in the Indian Succession Act, 1925.

(d) “prescribed” means prescribed by Rules made under this Act ;

(e) “State Government” means the Government of Uttar Pradesh, and

(f) “dead body” means the dead body of a human being.

(2) Body of a deceased person shall be deemed to be unclaimed if such person has no relative, or if it has not been claimed by any of his relatives, friends or servants within such period as may be prescribed in that behalf.

3. Power of State Government to authorize Officers to act under Section 4.—The State Government may, by notification in the official *Gazette*, authorize for the area to which this Act is applied or any part thereof, one or more officers to whom a report shall be made under Section 4 and who shall be competent to act under the said section.

4. Where the dead body of a person, dying in a hospital or a prison, is unclaimed, the authority incharge of the hospital, or, as the case may be, the prison, shall immediately give intimation of the fact to the authorized officer, who shall dispose it of in the manner laid down in Section 5.

5. (1) The authorized officer shall, subject to the provisions of subsections (2) and (3), in the case of an unclaimed dead body of a person dying :

(a) in a hospital or a prison ; or

(b) in a public place, not being his place of residence ; or

(c) after having dedicated in writing his dead body for the purpose of anatomical examination and dissection ;

take possession of the unclaimed dead body and hand it to a medical institution, requiring it for anatomical examination or dissection or both :

Provided that in cases falling under clause (a) or (b) the authorized officer shall where a relative is known to be alive but has for reason beyond his control failed to claim the body within the prescribed period, hand over the body to such religious or public institutions belonging to the religion of the deceased as may be prescribed.

(2) The unclaimed dead body of a person who has prior to his death declared that his dead body shall not be subject to anatomical examination or dissection or both, shall be handed over by the authorized officer to such religious or public institution belonging to the religion of the deceased as may be prescribed.

(3) The authorized officer shall—

(a) in case of doubt as to the cause of death of the deceased and in any other case where in his opinion it is expedient so to do, dispose of the unclaimed dead body in the manner provided therefor, in Section 104 of the Code of Criminal Procedure, 1898 ;

(b) in the case where the unclaimed dead body is not required by the authority incharge of a medical institution for anatomical examination or dissection or both, dispose it of in such manner as may be prescribed.

6. Doubt or dispute as to relatives.—Where any doubt or dispute arises whether person is a relative of the deceased, the matter shall be referred to such officer as may be appointed in this behalf by the State Government and his decision thereon shall be final and conclusive, and, pending such decision, the unclaimed dead body shall be preserved from decay in such manner as may be prescribed.

7. Penalty.—Whoever disposes of, or abets the disposal of, an unclaimed dead body, save as provided by this Act, or obstructs any authority in charge of a medical institution or an authorized officer from handing over, taking possession of, removing or using, such dead body for the purposes specified in this Act, shall, on conviction, be punished with fine which may extend to five hundred rupees.

8. Duty of Police and other officials to assist in obtaining possession of unclaimed dead bodies.—Any authority or officer empowered to act under this Act shall, in the discharge of their duties, be given such assistance and help as he may reasonably require by all the officers and servants of the departments of Police, Medical, Public Health and of the local bodies.

9. Protection of persons acting under this Act.—No suit, prosecution or other legal proceedings shall lie against any person for anything which is in good faith done or intended to be done under this Act.

10. Officers to be public servants.—All officers appointed or authorized to act under this Act shall be deemed to be public servants within the meaning of Section 21 of the Indian Penal Code, 1860.

11. Power to make Rules.—(1) The State Government may, by notification in the official *Gazette*, make rules for carrying out the purpose of this Act.

(2) In particular and without prejudice to the generality of the foregoing powers such rules may provide—

- (a) the period within which a relative may claim the dead body of a deceased person ;
- (b) the period after which the dead body of a deceased person shall be deemed to be unclaimed ;
- (c) the procedure for the disposal of an unclaimed dead body under Section 5 ;
- (d) the conditions under which institutions may be recognized for the purposes of sub-sections (1) and (2) of Section 5 ;
- (e) the manner in which an unclaimed dead body be preserved from decay ;
- (f) the procedure of proceedings under Section 6 ; and
- (g) the matters which are to be and may be prescribed.

(3) (a) All rules made under this Act shall be published in the official *Gazette* and shall, unless some other date is appointed, come into force on the date of such publication.

(b) All rules made under this Act shall, as soon as may be after they are made, be laid before the Legislature for 14 days and shall be subject to such modifications as the Legislature may make therein.

THE U. P. ANCIENT AND HISTORICAL MONUMENTS AND ARCHAEOLOGICAL SITES AND REMAINS PRESERVATION ACT, 1956

(U. P. ACT No. VII OF 1957)

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Sections

1. Short title, extent and commencement.
2. Definitions.
3. Re-enactment and application of Act VII of 1904 to ancient and historical

Sections

- monuments and archaeological sites and remains.
4. Continuation of notifications and orders, etc. issued under Act VII of 1904.

(As passed by the U. P. Legislature)

AN ACT

to provide for the preservation and protection of ancient and historical monuments and archaeological sites and remains in Uttar Pradesh other than those declared by Parliament by law to be of national importance

Whereas it is expedient to provide for the preservation and protection of ancient and historical monuments and archaeological sites and remains in U. P. other than those declared to be of national importance by the Ancient and Historical Monuments and Archaeological Sites and Remains (Declaration of National Importance) Act, 1951, and for certain other matters connected therewith ;

It is hereby enacted in the Seventh Year of the Republic of India as follows :

1. Short title, extent and commencement.—(1) This Act may be called the U. P. Ancient and Historical Monuments and Archaeological Sites and Remains Preservation Act, 1956.

(2) It extends to the whole of Uttar Pradesh.

(3) It shall come into force at once.

Note.—The Act received the assent of the President on January 12, 1957 and the English translation of the Act was published in U. P. Gaz. Extra. dated January 17, 1957.

2. Definitions.—In this Act, unless there is anything repugnant in the subject or context, any reference to ancient or historical monument or archaeological site or remains, shall mean ancient or historical monument or archaeological site or remains other than those declared by the Ancient and Historical Monuments and Archaeological Sites and Remains (Declaration of National Importance) Act, 1951, to be of national importance.

3. Re enactment and application of Act VII of 1904 to ancient and historical monuments and archaeological sites and remains.—The provisions of the Ancient Monuments Preservation Act, 1904, as set out in Schedule I with the modifications mentioned in Schedule II are hereby re-enacted and shall apply and be always deemed to have applied to ancient and historical monuments and archaeological sites and remains in U. P.

4. Continuation of notifications and orders, etc. issued under Act VII of 1904.—Any action taken or purported to be taken including any declaration, appointment, notification, order, instruction, direction,

scheme, rule, regulation, form or certificate, made or issued or purported to be made or issued under the Ancient Monuments Preservation Act, 1904, shall, so far as it is not inconsistent with the provisions of the said Act as re-enacted and modified by this Act, continue in force and shall be deemed to have been taken, made or issued under the provisions so re-enacted, unless and until directed otherwise or superseded by anything done or any action taken under the provisions so re-enacted.

SCHEDULE

THE ANCIENT MONUMENTS PRESERVATION ACT, 1904

(U. P. Act No. VII of 1904)

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Sections

1. Short title and extent.
2. Definitions.
3. Protected monuments.
4. Acquisition of rights in or guardianship of an ancient monument.
5. Preservation of ancient monument by agreement.
6. Owners under disability or not in possession.
7. Enforcement of agreement.
8. Purchasers at certain sales and persons claiming through owner bound by instrument executed by owner.
9. Application of endowment to repair of an ancient monument.
10. Compulsory purchase of ancient monument.
- 10-A. Power of Central Government to control mining, etc., near ancient monument.
11. Maintenance of certain protected monuments.
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13. Protection of place of worship from misuse, pollution or desecration.
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- in a monument,
15. Right of access to certain protected monuments.
16. Penalties.
17. Power to Central Government to control traffic in antiquities.
18. Power to Central Government to control moving of sculptures, carvings or like objects
19. Purchase of sculptures, carvings or like objects by the Government.
20. Power of Central Government to notify areas as protected.
- 20-A. Power to enter upon and make excavations in a protected area.
- 20-B. Power of Central Government to make rules regulating to archaeological excavation in protected areas.
- 20-C. Power to acquire a protected area.
21. Assessment of market-value or compensation.
22. Jurisdiction.
23. Power to make rules.
24. Protection to public servants acting under Act.

SCHEDULE

[18th March, 1904]

(As modified up to the 25th October, 1951)

AN ACT

to provide for the preservation of Ancient Monuments and Objects of Archaeological, Historical, or Artistic Interest

Whereas, it is expedient to provide for the preservation of ancient monuments, for the exercise of control over traffic in antiquities and over excavation in certain places, and for the protection and acquisition in certain cases of ancient monuments and of objects of archaeological, historical or artistic interest ;

It is hereby enacted as follows :

1. **Short title and extent.** (1) This Act may be called the Ancient Monuments Preservation Act, 1904.

(2) It extends to the whole of India (except the States of Jammu and Kashmir).

2. Definitions.—In this Act, unless there is anything repugnant in the subject or context,—

(1) “ancient monument” means any structure, erection or monument or any tumulus or place of interment, or any cave, rock-sculpture, inscription or monolith, which is of historical, archaeological or artistic interest, or any remains thereof, and includes—

(a) the site of an ancient monument ;

(b) such portion of land adjoining the site of an ancient monument as may be required for fencing or covering in or otherwise preserving such monument, and

(c) the means of access to and convenient inspection of an ancient monument.

(2) “antiquities” include any movable objects which the Central Government, by reason of their historical or archaeological associations, may think it necessary to protect against injury, removal or dispersion ;

(3) “Commissioner” includes any officer authorized by the Central Government to perform the duties of a Commissioner under this Act ;

(4) “maintain” and “maintenance” include the fencing, covering in repairing, restoring and cleansing of a protected monument, and the doing of any act which may be necessary for the purpose of maintaining a protected monument or of securing convenient access thereto ;

(5) “land” includes a revenue-free estate, a revenue-paying estate, and a permanent transferable tenure, whether such an estate or tenure be subject to incumbrances or not ; and

(6) “owner” includes a joint owner invested with powers of management on behalf of himself and other joint owners, and any manager or trustee exercising powers of management over an ancient monument, and the successor in title of any such owner and the successor in office of any such manager or trustee :

Provided that nothing in this Act shall be deemed to extend the powers which may lawfully be exercised by such manager or trustee.

3. Protected monuments.—(1) The Central Government may, by notification in the official *Gazette*, declare an ancient monument to be a protected monument within the meaning of this Act.

(2) A copy of every notification published under sub-section (1) shall be fixed up in a conspicuous place on or near the monument, together with an intimation that any objections to the issue of the notification received by the Central Government within one month from the date when it is so fixed up will be taken into consideration.

(3) On the expiry of the said period of one month, the Central Government, after considering the objections, if any, shall confirm or withdraw the notification.

(4) A notification published under this section shall, unless and until it is withdrawn, be conclusive evidence of the fact that the monument to which it relates is an ancient monument within the meaning of this Act.

4. Acquisition of rights in or guardianship of an ancient monument.—(1) The Collector, with the sanction of the Central Government, may purchase or take a lease of any protected monument.

(2) The Collector, with the like sanction, may accept a gift or bequest of any protected monument.

(3) The owner of any protected monument may, by written instrument, constitute the Commissioner the guardian of the monument, and the Commissioner may, with sanction of the Central Government, accept such guardianship.

(4) When the Commissioner has accepted the guardianship of a monument under sub-section (3), the owner shall, except as expressly provided in this Act, have the same estate, right, title and interest in and to the monument as if the Commissioner had not been constituted guardian thereof.

(5) When the Commissioner has accepted the guardianship of a monument under sub-section (3), the provisions of this Act relating to agreements executed under Section 5 shall apply to the written instrument executed under the said sub-section.

(6) Where a protected monument is without an owner, the Commissioner may assume the guardianship of the monument.

5. Preservation of ancient monument by agreement.—(1) The Collector may, with the previous sanction of the Central Government, propose to the owner to enter into an agreement with the Central Government for the preservation of any protected monument in his district.

(2) An agreement under this section may provide for the following matters, or for such of them as it may be found expedient to include in the agreement—

- (a) the maintenance of the monument ;
 - (b) the custody of the monument, and the duties of any person who may be employed to watch it ;
 - (c) the restriction of the owner's right to destroy, remove, alter or deface the monument or to build on or near the site of the monument ;
 - (d) the facilities of access to be permitted to the public or to any portion of the public and to persons deputed by the owner or the Collector to inspect or maintain the monument ;
 - (e) the notice to be given to the Central Government in case the land on which the monument is situated is offered for sale by the owner, and the right to be reserved to the Central Government to purchase such land, or any specified portion of such land, at its market-value ;
 - (f) the payment of any expenses incurred by the owner or by the Central Government in connexion with the preservation of the monument ;
 - (g) the proprietary or other rights which are to vest in His Majesty in respect of the monument when any expenses are incurred by the Central Government in connexion with the preservation of the monument ;
 - (h) the appointment of an authority to decide any dispute arising out of the agreement, and
 - (i) any matter connected with the preservation of the monument which is a proper subject of agreement between the owner and Central Government.
- (3) * * * * *
- (4) The terms of an agreement under this section may be altered from

time to time with the sanction of the Central Government and with the consent of the owner.

(5) With the previous sanction of the Central Government, the Collector may terminate an agreement under this section on giving six months' notice in writing to the owner.

(6) The owner may terminate an agreement under this section on giving six months' notice to the Collector.

(7) An agreement under this section shall be binding on any person claiming to be owner of the monument to which it relates, through or under a party by whom or on whose behalf the agreement was executed.

(8) Any rights acquired by the Central Government in respect of expenses incurred in protecting or preserving a monument shall not be affected by the termination of an agreement under this section.

6. Owners under disability or not in possession.—(1) If the owner is unable, by reason of infancy or other disability, to act for himself, the person legally competent to act on his behalf may exercise the powers conferred upon an owner by Section 5.

(2) In the case of village-property, the headman or other village-officer exercising powers of management over such property may exercise the powers conferred upon an owner by Section 5.

(3) Nothing in this section shall be deemed to empower any person not being of the same religion as the persons on whose behalf he is acting to make or execute an agreement relating to a protected monument which or any part of which is periodically used for the religious worship or observances of that religion.

7. Enforcement of agreement.—(1) If the Collector apprehends that the owner or occupier of a monument intends to destroy, remove, alter, deface, or imperil the monument or to build on or near the site thereof in contravention of the terms of an agreement for its preservation under Section 5, the Collector may make an order prohibiting any such contravention of the agreement.

(2) If an owner or other person who is bound by an agreement for the preservation or maintenance of a monument under Section 5, refuses to do any act which is in the opinion of the Collector necessary to such preservation or maintenance, or neglects to do any such act within such reasonable time as may be fixed by the Collector, the Collector may authorize any person to do any such act, and the expense of doing any such act or such portion of the expense as the owner may be liable to pay under the agreement may be recovered from the owner as if it were an arrear of land-revenue.

(3) A person aggrieved by an order made under this section may appeal to the Commissioner, who may cancel or modify it and whose decision shall be final.

8. Purchasers at certain sales and persons claiming through owner bound by instrument executed by owner.—Every person who purchases, at a sale for arrears of land-revenue or any other public demand, or at a sale made under the Bengal Patni Taluks Regulation, 1819 (Ben. Reg. VIII of 1819), an estate or tenure in which is situated a monument in respect of which any instrument has been executed by the owner for the time being, under Section 4 or Section 5, and every person claiming any title to a monument from, through or under an owner who executed any such instrument, shall be bound by such instrument,

9. Application of endowment to repair of an ancient monument.—

(1) If any owner or other person competent to enter into an agreement under Section 5 for the preservation of a protected monument, refuses or fails to enter into such an agreement when proposed to him by the Collector, and if any endowment has been created for the purpose of keeping such monument in repair, or for that purpose among others, the Collector may institute a suit in the Court of the District Judge, or, if the estimated cost of repairing the monument does not exceed one thousand rupees, may make an application to the District Judge for the proper application of such endowment or part thereof.

(2) On the hearing of an application under sub-section (1), the District Judge may summon and examine the owner and any person whose evidence appears to him necessary, and may pass an order for the proper application of the endowment or of any part thereof, and any such order may be executed as if it were the decree of a Civil Court.

10. Compulsory purchase of ancient monument.—(1) If the Central Government apprehends that a protected monument is in danger of being destroyed, injured or allowed to fall into decay, the Central Government may direct the State Government to acquire it under the provisions of the Land Acquisition Act, 1894 (1 of 1894), as if the preservation of a protected monument were a "public purpose" within the meaning of that Act.

(2) The powers of compulsory purchase conferred by sub-section (1) shall not be exercised in the case of—

- (a) any monument which or any part of which is periodically used for religious observances, or
- (b) any monument which is the subject of a subsisting agreement executed under Section 5.

(3) In any case other than the cases referred to in sub-section (2) the said powers of compulsory purchase shall not be exercised unless the owner or other person competent to enter into an agreement under Section 5 has failed, within such reasonable period as the Collector may fix in this behalf, to enter into an agreement proposed to him under the said section or has terminated or given notice of his intention to terminate such an agreement.

10-A. Power of Central Government to control mining, etc., near ancient monument.—(1) If the Central Government is of opinion that mining, quarrying, excavating, blasting and other operations of a like nature should be restricted or regulated for the purpose of protecting or preserving any ancient monument, the Central Government may, by notification in the official *Gazette* make rules—

- (a) fixing the boundaries of the area to which the rules are to apply,
- (b) forbidding the carrying on of mining, quarrying, excavating, blasting or any operation of a like nature except in accordance with the rules and with the terms of a licence, and
- (c) prescribing the authority by which, and the terms on which, licences may be granted to carry on any of the said operations.

(2) The power to make rules given by this section is subject to the condition of the rules being made after previous publication.

(3) A rule made under this section may provide that any person committing a breach thereof shall be punishable with fine which may extend to two hundred rupees.

(4) If any owner or occupier of land included in a notification under sub-section (1) proves to the satisfaction of the Central Government that he has sustained loss by reason of such land being so included, the Central Government shall pay compensation in respect of such loss.

11. Maintenance of certain protected monuments.—(1) The Commissioner shall maintain every monument in respect of which the Government has acquired any of the rights mentioned in Section 4 or which the Government has acquired under Section 10.

(2) When the Commissioner has accepted the guardianship of a monument under Section 4, he shall, for the purpose of maintaining such monument, have access to the monument at all reasonable times, by himself and by his agent, subordinates and workmen, for the purpose of inspecting the monument, and for the purpose of bringing such materials and doing such acts as he may consider necessary or desirable for the maintenance thereof.

12. Voluntary contributions.—The Commissioner may receive voluntary contributions towards the cost of maintaining a protected monument and may give orders as to the management and application of any funds so received by him :

Provided that no contribution received under this section shall be applied to any purpose other than the purpose for which it was contributed.

13. Protection of place of worship from misuse, pollution or desecration.—(1) A place of worship or shrine maintained by the Government under this Act shall not be used for any purpose inconsistent with its character.

(2) Where the Collector has, under Section 4, purchased or taken a lease of any protected monument, or has accepted a gift or bequest, or the Commissioner has, under the same section, accepted the guardianship thereof, and such monument, or any part thereof, is periodically used for religious worship or observances by any community, the Collector shall make due provision for the protection of such monument, or such part thereof, from pollution or desecration—

- (a) by prohibiting the entry therein, except in accordance with conditions prescribed with the concurrence of the persons in religious charge of the said monument or part thereof, of any person not entitled so to enter by the religious usages of the community by which the monument or part thereof is used, or
- (b) by taking such other action as he may think necessary in this behalf.

14. Relinquishment of Government rights in a monument.—With the sanction of the Central Government, the Commissioner may—

- (a) where rights have been acquired by the Central Government in respect of any monument under this Act by virtue of any sale, lease, gift or will, relinquish the rights so acquired to the person who would for the time being be the owner of the monument if such rights had not been acquired, or
- (b) relinquish any guardianship of a monument which he has accepted under this Act.

15. Right of access to certain protected monuments.—(1) Subject to such rules as may after previous publication be made by the Central Government, the public shall have a right of access to any monument maintained by the Central Government under this Act.

(2) In making any rule under sub-section (1) the Central Government may provide that a breach of it shall be punishable with fine which may extend to twenty rupees.

16. Penalties.—Any person other than the owner who destroys, removes, injures, alters, defaces or imperils a protected monument, and any owner who destroys, removes injures, alters, defaces or imperils a monument maintained by the Central Government under this Act or in respect of which an agreement has been executed under Section 5, and any owner or occupier who contravenes an order made under Section 7, sub-section (1) shall be punishable with fine which may extend to five thousand rupees, or with imprisonment which may extend to three months, or with both.

17. Power to Central Government to control traffic in antiquities.—(1) If the Central Government apprehends that antiquities are being sold or removed to the detriment of India or of any neighbouring country, it may, by notification in the official *Gazette*, prohibit or restrict the bringing or taking by sea or by land of any antiquities or class of antiquities described in the notification into or out of the territories to which this Act extends or any specified part of the said territories.

(2) Any person who brings or takes or attempts to bring or take any such antiquities into or out of the said territories or any part of the said territories in contravention of a notification issued under sub-section (1), shall be punishable with fine which may extend to five hundred rupees.

(3) Antiquities in respect of which an offence referred to in sub-section (2) has been committed shall be liable to confiscation.

(4) An officer of Customs, or an officer of Police of a grade not lower than Sub-Inspector, duly empowered by the Central Government in his behalf, may search any vessel, cart or other means of conveyance, and may open any baggage or package of goods, if he has reason to believe that goods in respect of which an offence has been committed under sub-section (2) are contained therein.

(5) A person who complains that the power of search mentioned in sub-section (4) has been vexatiously or improperly exercised may address his complaint to the Central Government and the Central Government shall pass such order and may award such compensation, if any, as appears to it to be just.

18. Power to Central Government to control moving of sculptures, carvings or like objects.—(1) If the Central Government considers that any sculptures, carvings, images, bas-reliefs, inscriptions or other like objects ought not to be moved from the place where they are without the sanction of the Central Government, the Central Government may, by notification in the official *Gazette*, direct that any such objects or any class of such objects shall not be moved unless with the written permission of the Collector.

(2) A person applying for the permission mentioned in sub-section (1) shall specify the object or objects which he proposes to move, and shall furnish, in regard to such object or objects, any information which the Collector may require.

(3) If the Collector refuses to grant such permission, the applicant may appeal to the Commissioner, whose decision shall be final.

(4) Any person who moves any object in contravention of a notification issued under sub-section (1), shall be punishable with fine which may extend to five hundred rupees.

(5) If the owner of any property proves to the satisfaction of the Central Government that he has suffered any loss or damage by reason of the inclusion of such property in a notification published under sub-section (1), the Central Government shall either —

- (a) exempt such property from the said notification ;
- (b) purchase such property, if it be movable, at its market value, or
- (c) pay compensation for any loss or damage sustained by the owner of such property, if it be immovable.

19. Purchase of sculptures, carvings or like objects by the Government.—(1) If the Central Government apprehends that any object mentioned in a notification issued under Section 18, sub-section (1), is in danger of being destroyed, removed, injured or allowed to fall into decay, the Central Government may pass orders for the compulsory purchase of such object at its market-value, and the Collector shall thereupon give notice to the owner of the object to be purchased.

(2) The power of compulsory purchase given by this section shall not extend to—

- (a) any image or symbol actually used for the purpose of any religious observance, or
- (b) anything which the owner desires to retain on any reasonable ground personal to himself or to any of his ancestors or to any member of his family.

20. Power of Central Government to notify areas as protected.—

(1) If the Central Government is of opinion that excavation or archaeological purposes in any area should be restricted and regulated in the interests of archaeological research the Central Government may, by notification in the official *Gazette* specifying the boundaries of the area, declare it to be a protected area.

(2) From the date of such notification all antiquities buried in the protected area shall be the property of the Government and shall be deemed to be in the possession of the Government and shall remain the property and in the possession of the Government until ownership thereof is transferred ; but in all other respects the rights of any owner or occupier of land in such area shall not be affected.

20-A. Power to enter upon and make excavations in a protected area.—(1) Any officer of the Archaeological Department or any person holding a licence under Section 20-B may, with the written permission of the Collector, enter upon and make excavations in any protected area.

(2) Where, in the exercise of the power conferred by sub-section (1), the rights of any person are infringed by the occupation or disturbance of the surface of any land, the Central Government shall pay to that person compensation for the infringement.

20-B. Power of Central Government to make rules regulating to archaeological excavation in protected areas.—(1) The Central Government may make rules—

- (a) prescribing the authorities by whom licences to excavate for archaeological purposes in a protected area may be granted ;
- (b) regulating the conditions on which such licences may be granted, the form of such licences, and the taking of security from licensees ;
- (c) prescribing the manner in which antiquities found by a licensee shall be divided between the Central Government and the licensee ; and
- (d) generally to carry out the purposes of Section 20.

(2) The power to make rules given by this section is subject to the condition of the rules being made after previous publication.

(3) Such rules may be general for all protected areas for the time being, or may be special for any particular protected area or areas.

(4) Such rules may provide that any person committing a breach of any rule or of any condition of a licence shall be punishable with fine which may extend to five thousand rupees, and may further provide that where the breach has been by the agent or servant of a licensee the licensee himself shall be punishable.

20-C. Power to acquire a protected area.—If the Central Government is of opinion that a protected area contains an ancient monument or antiquities of national interest and value, it may direct the State Government to acquire such area, or any part thereof, and the State Government may thereupon acquire such area or part under the Land Acquisition Act, 1894 (1 of 1894), as for a public purpose.

21. Assessment of market-value or compensation.—(1) The market-value of any property which Government is empowered to purchase at such value under this Act, or the compensation to be paid by Government in respect of anything done under this Act, shall, where any dispute arises in respect of such market-value or compensation, be ascertained in the manner provided by the Land Acquisition Act, 1894, Sections 3, 8 to 34, 45 to 47, 51 and 52, so far as they can be made applicable :

Provided that when making an inquiry under the said Land Acquisition Act, 1894, the Collector shall be assisted by two assessors, one of whom shall be a competent person nominated by the Collector, and one a person nominated by the owner or, in case the owner fails to nominate an assessor within such reasonable time as may be fixed by the Collector in this behalf, by the Collector.

22. Jurisdiction.—A magistrate of the third class shall not have jurisdiction to try any person charged with an offence against this Act.

23. Power to make rules.—(1) The Central Government may make rules for carrying out any of the purposes of this Act.

(2) The power to make rules given by this section is subject to the condition of the rules being made after previous publication.

24. Protection to public servants acting under Act.—No suit for compensation and no criminal proceeding shall lie against any public servant in respect of any act done, or in good faith intended to be done, in the exercise of any power conferred by this Act.

SCHEDULE II

(See Section 3)

MODIFICATIONS OF THE ANCIENT MONUMENTS
PRESERVATION ACT, 1904

In the Ancient Monuments Preservation Act, 1904 :

(1) for sub-section (2) of Section 1 the following shall be substituted :

“(2) It extends to the whole of Uttar Pradesh” ;

(2) for the words “Central Government” wherever they occur the words “State Government” shall be substituted ;

(3) after clause (6) of Section 2, the following shall be added as a new clause (7) :

“(7) State Government means the Government of Uttar Pradesh” ;

(4) in Section 8 the words “or at a sale made under the Bengal Patni Taluks Regulation, 1819” shall be deleted ;

THE U. P. INDIAN MEDICINE (SECOND AMENDMENT)
ACT, 1956

(U. P. Act No. VIII of 1957)

CONTENTS

Sections

1. Short title and commencement.

Sections

2. Amendment of Section 5 of U. P. Act X of 1939.

[Authoritative English text of the U. P. Indian Medicine (Dwitiya Sanshodhan) Adhiniyam, 1956]

AN ACT

further to amend the U. P. Indian Medicine Act, 1939, for certain purposes

Whereas it is expedient to amend the U. P. Indian Medicine Act, 1939, for the purposes hereinafter appearing ;

It is hereby enacted in the Eighth Year of the Republic of India as follows :

Prefatory Note.—For Statement of Objects and Reasons, please see *Uttar Pradesh Gazette Extraordinary*, dated October 8, 1956.**1. Short title and commencement.**—(1) This Act may be called the U. P. Indian Medicine (Second Amendment) Act, 1956.

(2) It shall come into force at once.

Note.—The Act was passed in Hindi by the Uttar Pradesh Legislative Council on October 23, 1956, and by the Uttar Pradesh Legislative Assembly on December 18, 1956.Received the assent of the President on February 21, 1957, under Article 201 of the Constitution of India and was published in *Uttar Pradesh Gazette Extraordinary*, dated March 9, 1957.Published in the *Uttar Pradesh Gazette Extraordinary*, dated March 9, 1957.**2. Amendment of Section 5 of U. P. Act X of 1939.**—In sub-section (1) of Section 5 of the U. P. Indian Medicine Act, 1939, for clause (iii) the following shall be substituted :

“(iii) One member each from a University established by Law in Uttar Pradesh and having a Faculty concerned with the Ayurvedic or Unani-Tibbi System of Medicine, to be elected, in the manner prescribed, by the Faculty.”

THE UTTAR PRADESH URBAN AREAS ZAMINDARI ABOLITION AND LAND REFORMS ACT, 1956¹

(U. P. Act No. IX OF 1957)

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SCHEDULES

STATEMENT OF OBJECTS AND REASONS

(As passed by the Uttar Pradesh Legislature)

AN ACT

to provide for the abolition of zamindari system in agricultural areas situate in urban areas in U. P. and for the acquisition of the rights, title and interest of the intermediaries between the tiller of the soil and the State in such areas and for the introduction of the land reforms therein

Whereas it is expedient to provide for the abolition of zamindari system in agricultural areas situate in urban areas in U. P. and for the acquisition of the rights, title and interest of intermediaries between the tiller of the soil and the State in such areas and for the introduction of the land reforms therein.

It is hereby enacted in the Seventh Year of the Republic of India as follows :

Notes.—The preamble gives the motive for the legislation and the remedy which is actually provided in the actual enactment. It cannot be used for the purpose of restraining the generality of the enacting clause (11 All. 262).

The preamble to a statute is framed to indicate the object of the Legislature in general terms in passing the Act. In certain cases the general terms may not indicate the entire scope of the enactment. The preamble may be profitably referred to for the purpose of solving any ambiguity or for the purpose of fixing the meaning of words which may have more than one meaning. But where the terms of an enactment are clear, precise and unambiguous, it must be applied and enforced according to its plain meaning and it is not the business of the court to speculate as to what might have been in the mind of the Legislature as it may appear to the court from the preamble or otherwise (1938 A. L. J. 1074).

History of the Legislation.—The Act to provide for the abolition of zamindari in rural areas came into force since its publication in the U. P. Gazette Extraordinary, dated January 26, 1951. It had been in the contemplation of the Government to make suitable provisions for the abolition of zamindari in the urban areas as well and a Bill was introduced in 1950 but was subsequently withdrawn. In 1955 again a Bill was introduced published in the U. P. Gazette Extraordinary dated August 6, 1955 and was referred to a Joint Select Committee of both the Houses of Legislature. The proposal of the said Committee were accepted by the Legislature and have been incorporated in the present Act. The Bill as passed by the Legislature received the requisite assent on March 7, 1957 and the same was published in the U. P. Gaz. Extra. dated March 12, 1957 and has come into force since the date of publication.

Scope of the Act—This Act applies to agricultural areas within the urban areas ; it does not affect the rights of the zamindars in uncultivated land or land underneath buildings or to land appurtenant to buildings, not being improvements as defined in Section 3 of the U. P. Tenancy Act ; it does, however, apply to land held on a lease duly executed before the first day of July, 1955 for the purpose of erecting buildings thereon. Unlike U. P. Act I of 1951 this Act does not apply to private wells and trees in *abadi* or to *parti* land within the urban areas.

CHAPTER I

Preliminary

1. Short title, extent and commencement.—(1) This Act may be called the Uttar Pradesh Urban Areas Zamindari Abolition and Land Reforms Act, 1956.

(1) It shall extend to the areas which—

(a) in the case of the territory mentioned in Part-A of the Schedule, were, on the thirtieth day of June, 1954, included in a municipality, notified area, town area or cantonment under the law applicable thereto, and

(b) in the case of the rest of Uttar Pradesh, were on the 7th day of July, 1949, included in a municipality, or a notified area under the provisions of the U. P. Municipalities Act, 1916, or in a cantonment under the provisions of the Cantonment Act, 1924, or a town area under the provisions of the U. P. Town Areas Act, 1914.

(3) It shall come into force at once except in the areas mentioned in the Schedule where it shall come into force on such date and subject to such exceptions or modifications not affecting the substance as the State Government may by notification published in the official *Gazette* appoint in this behalf and different dates may be appointed and different exceptions or modifications made for different areas.

Notes.—This Act came into force immediately on the publication of the same in the official *Gazette* dated March 12, 1957.

2. Definitions.—In this Act unless there is anything repugnant in the subject or context—

(1) “agricultural area” as respects any urban area means an area, which, with reference to such date as the State Government may notify in that behalf, is—

(a) in the possession of or held or deemed to be held by an intermediary as *sir*, *khudkasht* or an intermediary's grove ;

(b) held as a grove by or in the personal cultivation of a permanent lessee in Avadh ; or

(c) included in the holding of—

(i) a fixed-rate tenant,

- (ii) an ex-proprietary tenant,
 - (iii) an occupancy tenant,
 - (iv) a tenant holding on special terms in Avadh,
 - (v) a rent-free grantee,
 - (vi) a grantee at a favourable rate of rent,
 - (vii) a hereditary tenant,
 - (viii) a grove-holder,
 - (ix) a sub-tenant referred to in sub-section (4) of Section 47 of the U. P. Tenancy Act, 1938, or
 - (x) a non-occupancy tenant of land other than land referred to in sub-section (3) of Section 30 of the U. P. Tenancy Act, 1939,
and is used by the holder thereof for purposes of agriculture or horticulture :
- Provided always that land which on the date aforesaid is occupied by buildings not being "improvements" as defined in Section 3 of the U. P. Tenancy Act, 1939, and land appurtenant to such buildings shall not be deemed to be agricultural area.
- (d) held on a lease duly executed before the first day of July, 1955, for the purposes of erecting buildings thereon ; or
 - (e) held or occupied by an occupier.

"Explanation.—An area, being part of the holding of a tenant shall not be deemed to have ceased to be agricultural area by reason merely that it has not been used, during the seven years preceding the commencement of this Act, for raising crops or other agricultural produce."

(2) "Central Government" shall have the meaning assigned to it in the General Clauses Act, 1897 ;

(3) "Compensation Commissioner" means the Compensation Commissioner appointed under Section 67 ;

(4) "Compensation Officer" means a Compensation Officer appointed under Section 67 ;

(5) "decree" has the meaning assigned to it in the Code of Civil Procedure, 1908 ;

(6) "Demarcation Officer" means the Demarcation Officer appointed under Section 67 ;

(7) "intermediary" means, with reference to any agricultural area,—

- (a) a proprietor,
- (b) an under-proprietor,
- (c) a sub-proprietor,
- (d) a *thekeedar*,
- (e) a permanent lessee in Avadh, and

(f) a permanent tenure-holder of the area or part thereof ;

and includes a sub-intermediary ;

(8) "legal representative" has the meaning assigned to it in the Code of Civil Procedure, 1908 ;

(9) "occupier" with reference to an agricultural area means the person in cultivatory possession of any land in such area from or before the first day

of July, 1954, otherwise than as an intermediary, lessee, sub-lessee, tenant, grantee, grove-holder, sub-tenant or mortgagee in possession of such land.

Explanation.—“Land” for purposes of this clause means land which, on or before July 1, 1954, was *khudkasht* of an intermediary or which on the said date was included in the holding of a person referred to in sub-clauses (i) to (x) of clause (c) and such previous rights as such in it ceased or otherwise determined on the above date.

(10) “prescribed” means prescribed by rules made under this Act ;

(11) “previous agricultural year” means the agricultural year immediately preceding that in which the date of vesting falls ;

(12) “proprietor” means as respects an agricultural area a person other than the Central Government, the State Government or a local authority owning, whether in trust or for his own benefit, the agricultural area and includes the heirs and successors-in-interest of a proprietor ;

(13) “State Government” means the Government of Uttar Pradesh ;

(14) “Sub-intermediary” means the land-holder of a sub-tenant other than—

(i) a sub-tenant of grove-land,

(ii) a sub-tenant referred to in sub-section (4) of Section 47 of the U. P. Tenancy Act, 1939, and

(iii) a sub-tenant referred to in the proviso to sub-section (3) of Section 27 of the U. P. Tenancy (Amendment) Act, 1947.

(15) “Urban area” means an area which—

(a) in the case of the territory mentioned in Part A of the Schedule, were, on the 30th day of June, 1954, included in municipality, notified area, town area or cantonment under the law applicable thereto, and

(b) in the case of the rest of Uttar Pradesh were, on the 7th day of July, 1949, included in a municipality, or a notified area under the provisions of the U. P. Municipalities Act, 1916, or in a cantonment under the provisions of the Cantonment Act, 1924, or a town area under the provisions of the U. P. Town Areas Act, 1914.

(16) The words and expressions “cess”, “ex-proprietary tenant”, “grove”, “grove-holder”, “grove-land”, “fixed rate tenant”, “hereditary tenant”, “holding”, “*khudkashi*”, “land-holder”, “non-occupancy tenant”, “occupancy tenant”, “permanent lessee in Avadh”, “permanent tenure-holder”, “rent”, “rent-free grantee”, “*sayar*”, “*sir*”, “sub-tenant”, “tenant” and “*thekeedar*”, used in the U. P. Tenancy Act, 1939, shall have the meaning assigned to them in that Act ;

(17) the words and expressions “Assistant Collector-in-charge of a subdivision”, “Board”, “Collector”, “minor”, “revenue”, “sub-proprietor” and “under-proprietor”, used in the U. P. Land Revenue Act, 1901, shall have the meaning assigned to them in that Act.

Note.—Sub-clause (ix).—Sub-tenant referred to in this clause is the one who is in possession of a holding at the time of the death of, or surrender by, the tenant-in-chief.

CHAPTER II

Demarcation of Agricultural Areas

3. Power to order demarcation of agricultural areas.—(1) The State Government may, with a view to acquisition under the provisions of this Act of the rights, title and interest of intermediaries in urban areas, direct by notification in the official *Gazette*, that the agricultural area situated in any such area be demarcated.

(2) As soon as may be after the publication of the notification under sub-section (1), the Demarcation Officer shall make enquiries in the prescribed manner, and shall determine and demarcate agricultural areas within the urban areas.

4. Publication of preliminary proposals and objections thereon.—(1) The Demarcation Officer shall, within three months or such extended period as the State Government may in any case fix, of the date of the notification under sub-section (1) of Section 3, submit his proposals with reasons therefor to the Commissioner who may make such modifications therein as he may consider necessary.

(2) After the Commissioner has considered the said proposals he shall publish a notice in the prescribed form in the *Gazette* and in such other manner as may be prescribed to the effect that the proposals as regards the demarcation of agricultural areas have been formulated and are open to inspection at the places to be specified in the said notice.

(3) Any person or local authority interested may within three months of the date of publication of the notice under sub-section (2), file an objection on the proposals before such officer or authority and in such manner as may be prescribed.

5. Final demarcation.—(1) After the expiry of the period of three months mentioned in sub-section (3) of Section 4 the Commissioner shall proceed to decide the objections in the manner prescribed and then finally demarcate the agricultural area.

(2) After the Commissioner has finally demarcated the agricultural area under sub-section (1), he shall publish a notice in the *Gazette* and in such other manner as may be prescribed to the effect that the agricultural areas have been finally demarcated and their details are open to inspection at places to be specified in that notice.

(3) An appeal shall lie to the Board against the orders passed by the Commissioner under sub-section (1).

6. Correction of clerical or arithmetical mistakes in the demarcation proceeding.—Clerical or arithmetical mistakes in the proposals as regards the demarcation of agricultural areas or in the details of the agricultural areas finally demarcated or in any order or proceeding under Sections 3, 4 or 5 or errors arising therein from any accidental omission may at any time be corrected by the Demarcation Officer or the Commissioner, as the case may be, either of its own motion or on the application of any person interested.

7. Revision of record-of-rights.—The State Government may, if it so considers necessary for the purpose of demarcation in the case of any urban area, by order direct that a record-of-rights be prepared or revised in respect of such area and thereupon the same shall be done, as far as may be, in accordance with the provisions of the U. P. Land Revenue Act, 1901.

CHAPTER III

Acquisition of the Interests of Intermediaries and its Consequences

8. Vesting of agricultural area in the State.—After the agricultural area has been demarcated under Section 5, the State Government may, at any time, by notification in the official *Gazette*, declare that as from a date to be specified all such areas situate in the urban area shall vest in the State and, as from the beginning of the date so specified all such agricultural areas shall stand transferred to and vest except as hereinafter provided, in the State free from all encumbrances.

Note.—This section is analogous to Section 4 of the Zamindari Abolition Act I of 1951. This section provides for the publication of a notification in the official *Gazette* with respect to date of vesting of estates in the urban areas; this date is to be known as the date of vesting. This notification is to be made soon after the demarcation has been made under Section 5.

9. Notification to be published in the Gazette.—The notification referred to in Section 8 shall be published in the official *Gazette* and such publication shall be conclusive proof of the due publication thereof.

Notes.—Notification in the official *Gazette* is conclusive proof of the due publication of the date of vesting.

This provision is analogous to that of Section 5 of Act I of 1951.

10. Consequences of vesting.—Where the notification under Section 8 has in respect of any agricultural area been published in the official *Gazette*, then, anything notwithstanding contained in any contract or document or in any other law for the time being in force, but save as otherwise provided in this Act, the consequences as hereinafter set forth shall, from the beginning of the date of vesting, ensue in respect of such area, namely,—

- (a) all rights, title and interest of all the intermediaries in such area including rights, if any, in mines and minerals, and in sub-soil shall cease and be vested in the State free from all encumbrances;
- (b) all grants and confirmation of title of or to land in the area so acquired or of or to any right or privilege in respect of such land or its land revenue in favour of the intermediary shall, whether liable to resumption or not, determine;
- (c) (i) all rents, cesses, local rates and *sayar* in respect of the area so acquired for any period after the date of vesting and which, but for the acquisition, would be payable to an intermediary, shall vest in and be payable to the State Government and not to the intermediary and any payment made in contravention of this clause shall not be valid discharge of the person liable to pay the same;
- (ii) where under an agreement or contract made before the date of vesting any rent, cess or local rate for any period after the said date has been paid to or compounded or released by an intermediary the same shall, notwithstanding the agreement or contract, be recoverable by the State Government from the intermediary and may, without prejudice to any other mode of recovery, be realized by deducting the amount from the compensation money payable to such intermediary under Chapter IV;
- (d) all arrears of revenue, cesses or other dues in respect of the area so acquired and due from the intermediary for any period prior

to the date of vesting shall continue to be recoverable from such intermediary and may without prejudice to any other mode of recovery, be realized by deducting the amount from the compensation money payable to such intermediary under Chapter IV ;

- (e) all amounts ordered to be paid by the intermediary to the State Government under Sections 27 and 28 of the U. P. Encumbered Estates Act, 1934, and all the amounts due from him under the Land Improvement Loans Act, 1883, or the Agriculturists Loans Act, 1884, shall, notwithstanding anything contained in the said enactments, become due forthwith and may, without prejudice to any other mode of recovery provided therefor, be realized by deducting the amount from the compensation money payable to such intermediary under Chapter IV ;
- (f) the interest of the intermediary in the area so acquired shall not be liable to attachment or sale in execution of any decree or other process of any court, whether civil or revenue and any attachment existing at the date of vesting or any order for attachment passed before such date shall, subject to the provisions of Section 73 of the Transfer of Property Act, 1882, cease to be in force in respect of such area ;
- (g) (i) every mortgage with possession existing on the area so acquired or portion thereof on the date immediately preceding the date of vesting shall, without prejudice to the right of the State Government under Section 8, to the extent of the amount secured thereon, be deemed to have been substituted by a simple mortgage ;
- (ii) notwithstanding anything contained in the mortgage deed or any other agreement, the amount declared due on a simple mortgage substituted under sub clause (i) shall carry such rate of interest and from such date as may be prescribed ;
- (h) no claim or liability enforceable or incurred before the date of vesting by or against such intermediary for any money, which is charged on or is secured by a mortgage of the area so acquired or part thereof shall, except as provided in Section 73 of the Transfer of Property Act, 1882, be enforceable against his interest therein ;
- (i) all suits and proceedings of the nature to be prescribed pending in any Court at the date of vesting and all proceedings upon any decree or order passed in any such suit or proceeding previous to the date of vesting, shall be stayed ;
- (j) every *theka* shall to the extent of such area cease to have effect ; and
- (k) all *mahals* and their sub-divisions existing on the date immediately preceding the date of vesting and all engagements for the payment of land revenue or rent by a proprietor, under-proprietor or sub-proprietor, co-sharer or *lambardar* as such shall determine and cease to be in force.

Notes.—This section deals with the consequences of vesting and is analogous to Section 6 of Act I of 1951. The consequences described in this section are to ensue from the date of vesting and not from the date of the enforcement of the Act. [*Mahadeo Singh v. Jagdeo Singh*, 1951 R. D. 79 ; 1951 A. W. R. (H. C.) 220].

The provision is valid and *intra vires* of the State Legislature and cannot be questioned (1951 A. L. J. 365).

Clause (a).—This clause provides that the rights, title and interest of the intermediaries in agricultural areas only are to be vested in the State. The provision is restricted in its scope. Unlike Section 6 of Act I of 1951 it does not apply to uncultivated land or to land underneath buildings or appurtenant thereto.

Pending Cases and Appeals.—All the pending suits and appeals of the nature to be prescribed shall be stayed.

11. Saving in respect of certain rights.—Nothing contained in this Chapter shall in any way affect the right of any person—

(a) to continue to work any mines comprised in any agricultural area hereinbefore acquired which shall be governed by the law for the time being in force ;

(b) to recover any arrears of rent, cesses, *sayar* or other dues which accrued before the date of vesting and the same shall, notwithstanding anything contained in this Act, be recoverable as heretofore by the person entitled thereto :

Provided that no decree for arrears of rent or order for ejectment in default of an arrear of rent shall be executed by ejectment of the judgment-debtor from his holding or by sale thereof :

Provided further that rent, local rates, *sayar* or other dues as aforesaid which are payable by an intermediary whose interest in the area in respect of which the arrear is due has been acquired under the provisions of this Act, may, in addition to any other remedy open to the person entitled, be realized from or paid out of the compensation money payable to such intermediary.

Notes.—Mines.—Old enactments shall continue to govern estates comprising mines.

Recovery of Arrears of Rent.—Old dues will be recoverable by persons entitled thereto. However, no decree for arrears of rent shall be executed by the ejectment of the tenant.

This section is analogous to Section 7 of Act I of 1951.

12. Mines and minerals.—The provisions of Chapter VI of the U. P. Zamindari Abolition and Land Reforms Act, 1950, shall *mutatis mutandis* apply to mines and minerals in the agricultural area acquired under this Act as they apply in relation to mines and minerals in the estates acquired under the former Act.

13. Sir or khudkasht allotted in lieu of maintenance allowance.—Where *sir* or *khudkasht* in an agricultural area has been allotted by the *sir* or *khudkasht*-holder thereof to a person in lieu of maintenance allowance, such person shall be deemed to be the *asami* thereof entitled to hold the land for so long as the right of maintenance allowance subsists.

Note.—This section is analogous to Section 11 of Act I of 1951.

14. Estates in possession of a thekedar.—(1) Subject to the provisions of sub-section (2) of this section, *thekedar* of land in an agricultural area therein shall, with effect from the date of vesting, cease to have any right to hold or possess as such land in such area.

(2) Where any such land was in the personal cultivation of the *thekedar* on the date immediately preceding the date of vesting, the same shall—

(a) if it was *sir* or *khudkasht* of the lessor on the date of the grant of the *theka*, be deemed for purposes of Section 17, to be the *sir* or *khudkasht* of the lessor on the date immediately preceding the date of vesting and the *thekedar* shall, with effect from the date of vesting, become the *asami* thereof liable to pay rent at here—

ditary rates applicable on the date immediately preceding the date of vesting and entitled to hold the land as such for the unexpired period of the *theka* or for a period of five years from the date of vesting whichever is less ;

(b) if it was not the *sir* or *khudkasht* of the lessor on the date of the grant of the *theka*, and—

(i) its area including agricultural area held by himself or jointly with his family does not exceed $12\frac{1}{2}$ acres, be deemed for purposes of Section 18, to have been held by the *thekedar* as a hereditary tenant liable to pay rent which shall be equal to the rent calculated at hereditary rates applicable on the date immediately preceding the date of vesting ;

(ii) its area including agricultural area held by himself or jointly with his family exceeds $12\frac{1}{2}$ acres, be deemed to the extent of $12\frac{1}{2}$ acres for purposes of Section 18, to have been held as a hereditary tenant as aforesaid and the remainder shall be deemed to be vacant land and the *thekedar* shall be liable to ejectment therefrom in accordance with the provisions of Chapter VIII.

“*Explanation.*—For the purposes of this section, a person’s family shall, if the members are living jointly, consist of the person himself, his minor children, his wife or her husband as the case may be and, if the person himself is a minor, his father and mother.”

Note.—This section is analogous to Section 13 of Act I of 1951. No rights accrue to a *thekedar* who was not in actual cultivatory possession on the date of vesting.

A *thekedar* becomes an *asami* in respect of an agricultural area if he was in actual possession of the same and if the land was *sir* or *khudkasht* of his lessor on the date of the grant of *theka*. A *thekedar* becomes a hereditary tenant of land which was in his personal cultivation on the date of vesting and was not the *sir* or *khudkasht* of his lessor on the date of grant of *theka* in an area of $12\frac{1}{2}$ acres only and the excess land will be deemed to be vacant land from which the *thekedar* shall be liable to ejectment in accordance with the provisions of Chapter VIII.

15. Estate in possession of a mortgagee with possession.—

(1) Subject to the provisions of sub-section (2), a mortgagee in possession of an agricultural area or share therein shall, with effect from the date of vesting, cease to have any right to hold or possess as such any land in such area.

(2) Where any such land was in the personal cultivation of the mortgagee on the date immediately preceding the date of vesting—

(a) if it was *sir* or *khudkasht* of the mortgagor on the date of mortgage, the same shall, for purposes of Section 17, be deemed to be the *sir* or *khudkasht* of the mortgagor or his legal representative ;

(b) if it was not the *sir* or *khudkasht* of the mortgagor on the date of the mortgage, the mortgagee shall, subject to his paying to the State Government, within six months from the date of vesting, an amount equal to five times the rent calculated at hereditary rates applicable on the date immediately preceding the date of vesting, be deemed, for purposes of Section 18, to have held such land on the date aforesaid as a hereditary tenant thereof at the said rate of rent :

Provided that if the mortgagee fails to pay the amount aforesaid within the time allowed, he shall thereupon lose all rights in such land which shall be deemed to be vacant land and he shall be liable to ejectment on the suit of the Collector under Chapter VIII, as if he were a person in possession thereof otherwise than in accordance with the provisions of this Act.

Explanation I.—For the purposes of this section a mortgagee in possession includes a *thekedar* of his rights as mortgagee of the land.

Explanation II.—Where any land has been mortgaged with possession and the mortgagor makes a second or subsequent mortgage of such land in favour of the same or a different person, the expression “on the date of the mortgage” shall mean the date of the mortgage in pursuance of which the mortgagor first transferred possession to the mortgagee.

Notes.—This section is analogous to Section 14 of Act I of 1951. The mortgagee with possession like a *thekedar* gets no rights in any land covered by his mortgage if he was not in actual cultivatory possession of the same; the mortgagee becomes a hereditary tenant of the land which was in his personal cultivation on the date immediately preceding the date of vesting and if the same was not the *sir* or *khudkasht* of his mortgagor on the date of mortgage and if the mortgagee pays an amount equal to five times the rent calculated at hereditary

16. Demarcation of *sir*, *khudkasht*, etc. held jointly.—(1) Where, on the date immediately preceding the date of vesting, an intermediary other than a *thekedar* held land in his personal cultivation or as *sir*, *khudkasht* or intermediary's grove (other than land held by a tenant) belonging to him jointly with others in any agricultural area, in excess of his proportionate share in the area concerned, the prescribed authority shall, as soon as may be, proceed to demarcate the land proportionate to the share of such intermediary.

(2) (a) The land so demarcated shall alone, for purposes of Section 17, be deemed to be his *sir*, *khudkasht* or intermediary's grove, and

(b) the land held in excess of his share shall, for purposes of Section 18, be deemed to have been held by him as an ex-proprietary tenant thereof liable to pay rent at ex-proprietary rates applicable on the date immediately preceding the date of vesting.

Notes.—The section is analogous to Section 15 of Act I of 1951.

17. Settlement of certain lands with intermediaries or cultivators as *bhumidhars*.—(1) Subject to the provisions of Sections 16 and 18—

(a) all lands in an agricultural area—

(i) in possession of or held or deemed to be held by an intermediary as *sir*, *khudkasht* or an intermediary's grove,

(ii) held as a grove by, or in the personal cultivation of a permanent lessee in Avadh,

(iii) held by a fixed-rate tenant or a rent-free grantee as such, or

(iv) held as such by—

(i) an occupancy tenant, }

(ii) a hereditary tenant, }

(iii) a tenant on *patta dawami* or *istamrari* }

possessing the right to transfer the holding by sale,

or

(v) held by a grove-holder, on the date immediately preceding the date of vesting, and

(b) all lands in an agricultural area held on lease duly made before the first day of July, 1955, for the purpose of erecting building thereon,

shall be deemed to be settled by the State Government with such intermediary, lessee, tenant, grantee or grove-holder, as the case may be, who shall subject to the provisions of this Act, be entitled to take or retain possession as a *bhumidhar* thereof.

Explanation.—In clause (i) “*sir*” does not include *sir* held by a tenant.

(2) Every person belonging to the class mentioned in Section 3 of the U. P. Agricultural Tenants (Acquisition of Privileges) Act, 1949, who has been granted the declaration referred to in Section 6 of that Act in respect of any holding or share thereof shall, unless the declaration is subsequently set aside, be deemed to be the *bhumidhar* of the holding or the grove as the case may be.

Explanation.—For the purposes of this sub-section a declaration granted under the purported exercise of the powers under Section 6 aforesaid shall be so construed as though the U. P. Agricultural Tenants (Acquisition of Privileges) Act, 1949, was applicable to the area where the land in respect of which the declaration was made is situate.

Notes.—This section is analogous to Section 18 of Act I of 1951.

This section confers *bhumidhari* rights on certain classes of tenants detailed in this section.

18. Land in the holding to be settled with the tenants thereof as *sirdars*.—(1) Subject to the provisions of Section 19, all land in an agricultural area held or deemed to have been held on the date immediately preceding the date of vesting by any person as—

- (i) a tenant holding on special terms in Avadh ;
- (ii) an ex-proprietary tenant ;
- (iii) an occupancy tenant ;
- (iv) a hereditary tenant ;
- (v) a grantee at favourable rate of rent ;
- (vi) a non-occupancy tenant of tea estates notified as such in a notification issued under sub-section (5) of Section 30 of the United Provinces Tenancy Act, 1939 ;
- (vii) a sub-tenant referred to in sub-section (4) of Section 47 of the United Provinces Tenancy Act, 1939 ;

shall, save in cases provided for in clause (b) of sub-section (1) of Section 17, be deemed to be settled by the State Government with such person, who shall, subject to the provisions of this Act, be entitled to take or retain possession as a *sirdar* thereof.

(2) Every person who, on the date immediately preceding the date of vesting, was or has been deemed to be in accordance with the provisions of this Act—

- (a) a tenant of *sir*, or
- (b) a sub-tenant other than a sub-tenant referred to in the proviso to sub-section (3) of Section 27 of the U. P. Tenancy (Amendment) Act, 1947 of any land other than grove-land,

shall, unless he has become an *asami* under clause (b) of Section 19, shall be entitled to take or retain possession as *sirdar* thereof and the land shall be deemed to be settled with him by the State Government.

Notes.—This section is analogous to Section 19 of Act I of 1951.

It confers *sirdari* rights on certain classes of tenants detailed in this section.

19. Non-occupancy tenants, sub-tenants of grove-lands and tenants' mortgagees to be *asamis*.—Notwithstanding anything contained in this Act, every person who, on the date immediately preceding the date of vesting, occupied or held land in an agricultural area as—

- (a) a non-occupancy tenant of an intermediary's grove land,

- (b) a sub-tenant of grove-land,
- (c) a sub-tenant referred to in the proviso to sub-section (3) of Section 27 of the United Provinces Tenancy (Amendment) Act, 1947,
- (d) a mortgagee in actual possession from a person belonging to any of the classes mentioned in clauses (ii) to (v) of sub-section (i) of Section 17 and of clauses (i) to (vii) of sub-section (1) of Section 18,
- (e) a non-occupancy tenant of pasture land or of land covered by water and used for the purpose of growing *singhara* or other produce or of land in the bed of a river and used for casual or occasional cultivation,
- (f) a non-occupancy tenant of land declared by the State Government, by notification in the *Gazette*, to be intended or set apart for *taungya* plantation,
- (g) a tenant of land, which the State Government has, by a notification in the *Gazette* declared to be part of tract of shifting or unstable cultivation,
- (h) a tenant of *sir* or a sub-tenant referred to in clause (b) of sub-section (2) of Section 18, where the *sir*-holder or the land-holder, as the case may be, or if there are more than one *sir*-holders or land-holders all of them were person or persons belonging—
- (i) if the land was let out or occupied prior to the twentieth day of January, 1950, both on the date of letting or occupation, as the case may be, and on the twentieth day of January, 1950, and
- (ii) if the land was let out or occupied after the twentieth day of January, 1950, on the date of letting or occupation, to any one or more of the classes mentioned in sub-section (1) of Section 157 of the U. P. Zamindari Abolition and Land Reforms Act, 1950, subject to such adaptations, modification, alteration or exception as may be made under Chapter VIII, and
- (i) a lessee holding under a lease from a court under sub-section (1) of Section 252 of the U. P. Tenancy Act, 1939, and
- (j) a sub-lessee from a person holding land under a lease referred to in clause (b) of sub-section (1) of Section 17,

shall be deemed to be an *asami* thereof.

Explanation.—The expression “*taungya* plantation” means the system of afforestation in which the plantation of trees is, in the earlier stages, done simultaneously with the cultivation of agricultural crops which ceases when the trees so planted begin to form a canopy rendering the cultivation of agricultural crops impossible.

Notes.—This section is analogous to Section 21 of Act I of 1951.

This section confers the rights of an *asami* on certain classes of tenants.

20. Ejectment of sub-lessees in lands held for building purposes.—(1) Without prejudice to the provisions of Section 64 or any order issued thereunder but subject to the provisions of sub-section (4) a *bhumidhar* of the land referred to in clause (b) of sub-section (1) of Section 17, may, within one year from the date of vesting, apply to the Assistant Collector

Incharge of the Sub-Division for the ejectment of an *asami* belonging to the class mentioned in clause (j) of Section 19 on the ground that he wants to use the land held by the *asami* for the purpose of erecting building thereon.

(2) If the application has been duly made and the Assistant Collector is, after such enquiry as may be prescribed, satisfied that the applicant intends to use the land for the purpose of erecting building thereon, order the ejectment of the *asami* from such land.

(3) Where an *asami* has been ejected from the land under sub-section (2), the *bhumidhar* shall erect a building thereon within three years of the date of the order of ejectment.

(4) If the *bhumidhar* does not file an application for ejectment under sub-section (1) or the order of ejectment passed on any such application is not executed within the period of limitation provided therefor, the *asami* shall become a *sirdar* thereof and the rights, title and interest of the *bhumidhar* shall be deemed to have been acquired under Section 10 as if the *bhumidhar* were an intermediary on the date of vesting.

(5) If the *bhumidhar* fails to erect a building within the period specified in sub-section (3), he shall be liable to pay to the *asami* or person or persons claiming through him an amount equal to five times the rent payable by *asami* at the time of his ejectment.

(6) An appeal from an order under sub-section (2) shall lie before the Commissioner.

Notes.—This section provides for the ejectment of a sub-lessee holding land in an agricultural area on the basis of a duly executed lease of a date prior to July 1, 1955, for erecting a building; an application for ejectment is to be made to the Assistant Collector-in-charge of a sub-division within a year of the date of vesting; if no such application is made within one year, the sub-lessee shall become a *sirdar*; the lessor is bound to erect a building within three years of the ejectment, failing which he will lose his rights and shall have to pay to the sub-lessee an amount equal to five times the rent payable by the *asami* at the time of his ejectment.

Appeal.—An appeal is provided against an order made on the application for ejectment.

21. Variation in rent on or after July 1, 1948 not to be recognized.—Notwithstanding any contract made, or anything done or permitted to be done, on or after the first day of July, 1948, by or on behalf of an intermediary or tenant in respect of any land forming part of any area acquired under this Act, the rent payable therefor by the tenant on the date immediately preceding the date of vesting shall be deemed to be an amount equal to the rent payable by the tenant or his predecessor-in-title on the date aforesaid and any reduction or remission made therein after the said date, otherwise than in pursuance of a decree or order of a court, shall not be taken into account:

Provided that whether the rent reduced in pursuance of any decree or order aforesaid is less than the amount computed at appropriate circle-rate the rent payable shall be an amount so computed.

Notes.—This section is analogous to Section 22 of Act I of 1951. Any reduction or remission done on or after July 1, 1948 is not to be recognised except that done in pursuance of a decree or order of a court. If, however, the rent reduced by an order of the court is below the rent calculated at the appropriate circle-rate it shall be an amount equal to the one calculated at the appropriate circle-rate.

22. Contract or agreement to defeat the provisions of this Act to be void.—Any contract or agreement made between an intermediary and any person on or after the first day of July, 1948 which has the effect

directly or indirectly of relieving, whether in whole or in part, a *blumidhar* or *sirdar* from the liability for the land revenue, to be paid by him for any land, comprised in his holding, shall be and is hereby declared null and void.

Notes.—This section is analogous to Section 24 of Act I of 1951.

Any contract or agreement made on or after July 1, 1955 in order to defeat the provisions of this Act shall be void.

23. Collector to take over agricultural areas.—Upon the publication of the notification under Section 8, it shall be lawful for the Collector or any officer appointed by him in this behalf—

- (a) to take charge of any area or part thereof acquired under this Act and of all interest vested in the State under the provisions of this Chapter, and to take or cause to be taken such steps and use or cause to be used such force as may, in the opinion of the Collector, or the officer so appointed, be necessary for this purpose,
- (b) to enter upon any land, building or other place forming part of any area acquired under the provisions of this Chapter and make survey or take measurement thereof or do any other act which he considers necessary for carrying out the purposes of this Act,
- (c) to require any person to produce to such authority as may be specified any books, accounts or other documents relating to any agricultural area or part thereof and to furnish to such authority such other information as may be specified or demanded, and
- (d) if the books, accounts and other documents are not produced as required, to enter upon any land, building or other place and seize and take possession of such books, accounts and other documents.

Notes.—This section is analogous to Section 25 of Act I of 1951.

It gives powers to the Collector to take over the agricultural areas thus acquired.

CHAPTER IV

Assessment of Compensation

24. Intermediary entitled to receive compensation for acquisition of his interests.—Every intermediary whose right, title or interest in any agricultural area is acquired under the provisions of this Act shall be entitled to receive and be given compensation as hereinafter provided.

25. Date from which the compensation shall be due.—(1) Compensation shall be due as from the date of vesting subject to determination of the amount thereof.

(2) There shall be paid by the State Government on the amount so determined interest at the rate of two and a half per centum per annum from the date of vesting to the date of—

- (i) in the case of the amount to be paid in cash, determination,
- (ii) in the case of the amount to be given in bonds, the redemption of bonds.

26. Proceedings relating to assessment and payment of compensation.—All proceedings relating to assessment of compensation and the payment thereof to the intermediary entitled thereto shall be held before the Compensation Officer within whose jurisdiction the agricultural area acquired is situate.

27. Compensation Assessment Roll.—With a view to assessment and payment of compensation, the Compensation Officer shall prepare a Compensation Assessment Roll, showing—

- (a) the gross assets and net assets of each intermediary in the agricultural area ;
- (b) the arrears of rent, revenue, cess and other dues in respect of the area due from the intermediary for any period prior to the date of vesting ;
- (c) the land revenue payable by each intermediary in the previous agricultural year in respect of his share or interest in the area ; and
- (d) such other particulars as may be prescribed.

28. Roll to be signed by the Compensation Officer.—The Compensation Assessment Roll prepared under Section 27 shall be signed by the Compensation Officer and shall be receivable as evidence of the facts stated therein.

29. Correction of clerical error or arithmetical mistake in the record of rights.—Notwithstanding anything contained in the United Provinces Land Revenue Act, 1901, or any other law for the time being in force, if the Compensation Officer is satisfied that a clerical or arithmetical mistake or error apparent on the face of the record exists in the record of rights, he may either on his own motion or on the application of any person interested, correct the same.

30. Right to establish claim in the Civil Court.—Nothing in Section 29 shall affect the right of any person to establish his claim in respect of any agricultural area acquired under this Act by due process of law in the court having jurisdiction.

31. Calculation of gross assets.—“Gross assets” of an intermediary as respects an agricultural area means the aggregate gross income in respect of his share or interest therein and shall mean rent including cesses and local rates payable by or on behalf of sub-tenants, tenants or grantees or grove-holders referred to in clause (c) of sub-section (1) of Section 2 or a lessee referred to in clause (d) of the said sub-section or an occupier referred to in clause (e) of said sub-section, under-proprietors, sub-proprietors, permanent tenure-holders and permanent lessees in Avadhi :

(1) in cash, or

(2) where rent payable is payable in kind or partly in cash or partly in kind, the rent computed in accordance with the provisions of the United Provinces Tenancy Act, 1939, or

(3) where rent is payable but has not been determined, the rent determined at exproprietary rates in the case of under-proprietors, sub-proprietors and ex-proprietary tenants and at hereditary rates in other cases.

32. Gross assets of a *thikedar*—Where the interest or share of an intermediary in any agricultural area was, on the date immediately preceding

the date of vesting, held by a *thekedar* the gross assets of the *thekedar* calculated on the principles contained in Section 31 shall, notwithstanding that the same may otherwise not be payable to the intermediary be deemed to be the gross assets of the intermediary in respect of such area.

33 Calculation of net assets.—For purposes of preparing a Compensation Assessment Roll the net assets of an intermediary shall be computed by deducting from the gross assets the following namely—

- (a) any sum to be computed in the prescribed manner and payable by the intermediary in the previous agricultural year to the State Government or superior land-holder on account of land revenue or rent or cesses or local rates in respect of the agricultural area ;
- (b) cost of management and irrecoverable arrears of rent equal to 15 per cent of gross assets.

Explanation—For purposes of this section, the revenue which has been assigned, released, compounded or redeemed by reason of any grant or confirmation made by or on behalf of State Government or by any other competent authority in favour of such intermediary shall not be deemed to be a sum payable as land revenue to the State Government.

34. Calculation of gross assets and net assets of under-proprietors, permanent tenure-holders and permanent lessees in Avadh.—In the case of proprietors to whom Section 78 of the U. P. Land Revenue Act, 1901, applies or who are assignees of land revenue whose names are recorded in the records-of-rights maintained under clauses (a) and (d) of Section 32 of the said Act, under-proprietors, sub-proprietors, permanent tenure-holders, permanent lessees in Avadh and sub-intermediaries, the provisions of Sections 31 and 33 shall be applicable subject to such incidental changes and modifications as may be prescribed and thereupon the gross assets and net assets of such intermediaries shall be computed accordingly.

35. Preliminary publication of the draft compensation assessment roll.—(1) After the draft compensation assessment roll in respect of an intermediary has been prepared, the Compensation Officer shall—

- (a) publish a notice to that effect in the *Gazette* and in such other manner as may be prescribed, and
- (b) serve or cause to be served on the intermediary concerned a copy of the notice aforesaid along with a copy of draft compensation assessment roll.

(2) The notice under sub-section (1) shall call upon all persons interested to appear and file objections upon such roll within a period of two months :

Provided that no objection on the ground that the intermediary is entitled to a greater or a lesser share or is not entitled to any share in the agricultural area shall be entertained except and in so far as it arises from any order or decree made under Section 29,

36. Date for hearing objections.—If any objection is filed within the time allowed, it shall be registered by the Compensation Officer who shall fix a date for hearing the same and shall give intimation thereof to the intermediary concerned and to every person interested who may have appeared in reply to the notice under Section 35.

37. Hearing and deciding of objections.—In hearing and deciding the objections filed under Section 35, the Compensation Officer shall, in so

far as they may be applicable and not inconsistent with the provisions of this Act, have all the powers of a Civil Court, and, subject to such modifications as may be prescribed follow the procedure laid down in the Code of Civil Procedure, 1908, for hearing and disposal of suits relating to immovable property.

38. Order under Section 37 to be a decree of Civil Court.—The order of the Compensation Officer deciding an objection under Section 37 shall be deemed to be a decree of a Civil Court and shall contain a concise statement of the case, the points for determination, the decision thereon and the reasons for such decisions.

39. Appeal to the District Judge.—Notwithstanding anything contained in any law, an appeal shall lie to the District Judge from the order of the Compensation Officer under Section 37.

40. Appeal to the High Court.—An appeal shall lie to the High Court from the appellate decree of a District Judge passed under Section 39 on any of the grounds specified in Section 100 of the Code of Civil Procedure, 1908.

41. Revision.—The High Court may call for the record of any case decided by the Compensation Officer in which no appeal lies, and if such Compensation Officer appears—

- (a) to have exercised a jurisdiction not vested in him by law, or
- (b) to have failed to exercise a jurisdiction so vested, or
- (c) to have acted in the exercise of his jurisdiction illegally, or with material irregularity ;

the High Court may pass such order as it thinks fit.

42. Final compensation assessment roll.—(1) Where no objection has been filed in regard to draft compensation assessment roll in pursuance of the notice under Section 35 or where such objection has been filed and disposed of and the draft Compensation Assessment Roll amended, altered, modified accordingly the Compensation Officer shall sign the same and also affix his seal thereto.

(2) The Compensation Assessment Roll when so signed and sealed shall become final.

43. Copy of the roll to be supplied to the intermediary.—The Compensation Officer shall deliver free of charge a copy of the Compensation Assessment Roll to the intermediary concerned and shall cause a copy thereof to be affixed on the notice board of the office of the Assistant Collector In-charge of the sub-division in which the agricultural area to which the said Compensation Assessment Roll appertains is situate.

44. Amount of compensation to be payable to an intermediary.—The amount payable as compensation to an intermediary in respect of his interest in the agricultural area to which the Compensation Assessment Roll relates shall, except where the interest of the intermediary therein is held by a *thekeदार* or where the intermediary is a *thekeदार*, be sixteen times the net assets mentioned in the Compensation Assessment Roll prepared under Section 42.

45. Amounts of compensation payable to a *thekeदार*.—Where the interest of intermediary in the agricultural area acquired is held by a *thekeदार*

the amount which shall be calculated on the principles contained in Section 44 on the net assets mentioned in the Compensation Assessment Roll of such intermediary, shall be the total compensation payable both to the intermediary and the *thekedar* in respect of the interest in the area, and the Compensation Officer shall apportion the amount between them having regard to—

- (a) the premium, if any, paid at the commencement of the *theka* ;
- (b) the total period of *theka* and the unexpired portion thereof ;
- (c) the extent to which the area comprised in the *theka* has been acquired ;
- (d) the gross assets and the net assets of the balance comprised under the *theka* ;
- (e) the amount payable annually by the *thekedar* ; and
- (f) such other matters as may be prescribed.

46. Apportionment of compensation between the intermediary and the *thekedar*.—In apportioning the compensation between the intermediary and the *thekedar*, the Compensation Officer shall follow such procedure as may be prescribed.

47. Order under Section 46 to be a decree of a Civil Court.—(1) The order of the Compensation Officer apportioning the compensation between the intermediary and the *thekedar* shall be deemed to be a decree of a Civil Court of competent jurisdiction.

(2) Notwithstanding anything contained in any other law for the time being in force an appeal shall lie from the decree mentioned in sub-section (1) to the District Judge and the order made in the appeal shall, except as provided in sub-section (3), be conclusive.

(3) The High Court may revise any order passed under sub-section (1) on any of the ground (a) to (c) mentioned in Section 41.

48. Court-fees payable on memorandum of appeal.—Notwithstanding anything contained in Court Fees Act, 1870, the court-fee payable on a memorandum of appeal filed under Sections 39, 40 or sub-section (2) of Section 47 shall be such as may be prescribed.

49. Correction of *bona fide* mistakes.—(1) Except as hereinafter provided by or under this Act, no correction shall be made in the Compensation Assessment Roll after it has become final.

(2) The Compensation Officer having jurisdiction may, at any time before the payment of compensation, either of his own motion or on an application filed by a person interested, correct any clerical or arithmetical error in the Compensation Assessment Roll as finally published or any error arising therein from any accidental slip or omission.

CHAPTER V

Payment of Compensation

50. Compensation entered in the roll to be paid.—There shall be given to the intermediary as compensation in respect of acquisition of his rights, title and interest in any agricultural area acquired under this Act, the amount declared in that behalf under Section 44.

51. Intermediary entered in the roll to receive compensation.—Subject to the provisions of Section 54 an intermediary whose name is entered in the Compensation Assessment Roll shall be entitled to receive the compensation payable under this Act.

52. Compensation payable to the legal representative.—Where the intermediary entitled to the compensation dies before it is paid to him, it shall be payable to his legal representative.

53. Form for payment of compensation.—The compensation payable under this Act shall be given in cash or in bonds or partly in cash and partly in bonds as may be prescribed.

54. Compensation to be deposited with bank or other authority in certain cases.—(1) Where the person entitled to receive the compensation is a *waqf*, trust or endowment or a minor or a person suffering from some legal disability or a limited owner the compensation may, notwithstanding anything contained in any law but subject to any general directions that the State Government may give, be deposited, for and on behalf of the person, with such authority or Bank as may be prescribed.

(2) Nothing in sub-section (1) shall be deemed to prejudice the rights of a person for whom or on whose behalf the compensation has been deposited to utilize and dispose of the same in accordance with the law governing such rights.

Explanation.—For the purposes of this section a person shall not be deemed to be a limited owner merely by reason of the fact that a declaration has been made under the provisions of The Avadh Settled Estates Act, 1917, or the United Provinces Estates Act, 1920, in respect of the estates for which compensation is payable.

55. Compensation money to be placed at the disposal of the court or authority.—Where before any court or authority any suit or proceeding is pending which directly or indirectly affects the right of any person to receive the whole or part of the compensation determined under Chapter IV, the court or authority may require the Compensation Officer to place at its disposal the amount so payable and thereupon the same shall be disposed of in accordance with the order of such court or authority.

56. Settlement of the amount of compensation due to *Guzaredars*.—If any person claiming as *guzaredar* to be entitled on account of any *guzara* to any portion of the compensation awarded to an intermediary under this Chapter applies to the Compensation Officer for payment of the same to him the Compensation Officer shall follow the procedure laid down in Section 71 of the U. P. Zamindari Abolition and Land Reforms Act, 1950, and the provisions of the said section shall *mutatis mutandis* apply.

CHAPTER VI

Annuities to certain Waqfs, Trusts and Endowments

57. Payment of annuity.—There shall be paid by the State Government to every *waqf*, trust or endowment which is wholly or partly for religious or charitable purposes and whose rights, title or interest have been acquired under the provisions of this Act, an annuity as hereinafter provided.

58. Date from which the annuity shall be payable.—The annuity due under Section 57 shall be payable from the date of vesting.

59. Application of Sections of Chapter V of U. P. Act 1 of 1951.—The provisions of Sections 76, 79 to 89, 91 to 97, 99, 101, 102, 104 and 105, of Chapter V of the U. P. Zamindari Abolition and Land Reforms Act, 1950, and of the rules framed under Section 105 of the said Chapter shall *mutatis mutandis* apply in relation to the annuity payable under this Act as if the annuity were rehabilitation grant for acquisition of estates under the said Act.

CHAPTER VII

Land Management

60. Superintendence, management and control of land.—(1) Subject to the provisions of this Act, the Collector shall as from the date of vesting be charged, for and on behalf of the State Government, with the general superintendence, management, preservation and control of all lands and things which had vested in the State under Section 10.

(2) Without prejudice to the provisions of sub-section (1) a local authority, if directed by the State Government by notification in the official *Gazette*, may, as from the specified date, be charged for and on behalf of the State Government with the general management of all or any of the lands or things which have vested in the State under Section 10.

61. Land Management Fund.—(1) Where a local authority has been charged with the general management of the land and other things under Section 60, it shall establish for purpose of this Act a Land Management Fund.

(2) There shall be credited to the fund—

(a) all sums received by the local authority under this Act for and on behalf of the State Government ; and

(b) such other sums as may be prescribed.

(3) The local authority may utilize the fund in the manner prescribed, to meet the charges in connexion with the discharge of its duties or performance of its functions under this Act.

62. Local authority to carry out orders and directions of the State Government.—(1) Notwithstanding anything contained in any law, the State Government may issue such orders and directions to the local authority as may appear to be necessary for the purposes of this Act.

(2) It shall be the duty of the local authority and its office-bearers to forthwith carry out such orders and comply with such directions.

63. Alternative arrangements for land management.—(1) If at any time the State Government is satisfied that—

(a) a local authority has failed without reasonable cause or excuse to discharge the duties or to perform the functions imposed or assigned by or under this Act,

(b) circumstances have so arisen that a local authority is rendered unable or may be rendered unable to discharge the duties or perform the functions imposed or assigned by or under this Act, or

(c) it is otherwise expedient or necessary to do so,

it may, by notification in the *Gazette*, declare that the duties, powers and functions of the local authority under this Act shall be discharged, exercised

and performed by such person or authority and for such period and subject to such restrictions as may be specified.

(2) The State Government may make such incidental and consequential provisions as may appear to be necessary for this purpose.

CHAPTER VIII

Land Tenures and Land Revenue

64. Application of provisions of Chapters VIII and X of U. P. Act I of 1951 to agricultural areas.—The provisions of Chapters VIII and X of the U. P. Zamindari Abolition and Land Reforms Act, 1950, and of the rules framed thereunder shall apply to agricultural areas acquired under this Act, but the State Government may, by order published in the official *Gazette*, make such adaptation, modification, alteration or exception not affecting the substance as may, in its opinion, appear necessary and any such adaptation, modification, alteration or exception shall not be questioned in any court of law.

65. Application of the U. P. Land Revenue Act, 1901, to agricultural areas.—The provisions of the U. P. Land Revenue Act, 1901, as amended by the U. P. Zamindari Abolition and Land Reforms Act, 1950, and the rules framed thereunder shall apply to the agricultural areas acquired under this Act but the State Government may, by order published in the official *Gazette*, make such adaptations, modifications, alterations or exceptions not affecting the substance as may, in its opinion, appear necessary and any such adaptation, modification, alteration or exception shall not be questioned in any court of law.

66. Order made under Sections 64 and 65 to be laid before the State Legislature.—(1) An order made under this Chapter shall be laid for not less than fourteen days before the State Legislature as soon as may be after it is so made, and shall be subject to such modifications as the Legislature may make during the session in which they are so laid.

(2) Every such order shall have effect from the date of commencement of this Act.

CHAPTER IX

Miscellaneous

67. Appointment of Officers, etc.—The State Government may, for purposes of this Act, appoint—

- (a) a Compensation Commissioner,
- (b) Compensation Officers, and
- (c) Demarcation Officers.

68. Additional Compensation Commissioners.—The State Government may appoint one or more additional Compensation Commissioners who shall exercise such powers and discharge such duties of a Compensation Commissioner as the State Government may, by general or special order, direct.

69. Powers and duties.—(1) The Compensation Commissioner and Commissioner shall perform such duties and exercise such powers of supervision and superintendence over the work of the Compensation Officers and the Demarcation Officers as may be prescribed.

(2) The Compensation Officers and the Demarcation Officers shall exercise the powers and perform the duties conferred or imposed upon them by or under this Act or the rules framed thereunder.

70. Delegation of powers.—The State Government may, by notification in the *Gazette*, delegate to any officers or authority subordinate to it, any of the powers conferred on it by this Act, to be exercised subject to any restrictions and conditions as may be specified in the notification.

71. Powers to enforce attendance of witnesses, etc.—The Compensation Officer and the Commissioner shall have all such powers, rights and privileges as are vested in a Civil Court on the occasion of any action, in respect of the following matters :

- (a) the enforcing of the attendance of witnesses and examining them on oath, affirmation, or otherwise, and the issue of a commission or requests to examine witnesses abroad ;
- (b) the compelling of production of documents ;
- (c) the service of notice, and
- (d) the punishing of persons guilty of contempt ;

and a summons signed by such Officer may be substituted for and shall be equivalent to any formal process capable of being issued in any action by a Civil Court for enforcing the attendance of witnesses and compelling the production of documents.

72. Powers to require production of documents, etc.—(1) Subject to any conditions or restrictions that may be prescribed, the Compensation Officer or the Demarcation Officer may, by written order, require any person to produce such documents, papers and registers or to furnish such information as such officer may deem necessary for the proper exercise of his powers or the proper discharge of his duties under this Act.

(2) Every person required to produce any document, paper or register or to furnish any information under this section shall be deemed legally bound to do so within the meaning of Sections 175 and 176 of the Indian Penal Code.

73. Powers to enter upon land and to make survey, etc.—Subject to any conditions or restrictions that may be prescribed, any officer appointed under this Act may, for the purposes of this Act, enter at any time upon any land with such public servants as he considers necessary and make a survey or take measurements thereof or do any other act which he considers to be necessary for carrying out any of his duties under this Act.

74. Proceedings before the Compensation Officers and the Commissioner to be judicial proceedings.—A proceeding before a Compensation Officer or a Commissioner shall be deemed to be a judicial proceeding within the meaning of Sections 193 and 226 and for purposes of Section 196 of the Indian Penal Code.

75. Costs.—Any order for the payment of costs made by a Compensation Officer or Commissioner under this Act may be enforced by the person entitled to realize the amount by an application accompanied with a copy of the order presented to the Munsif having jurisdiction who shall proceed to execute it as if, it were an application for execution of a decree for the payment of money passed by such Munsif.

76. Right to inspection and copies of documents, statements and registers.—All documents, statement and registers maintained under this Act

or the Rules framed thereunder shall be open to inspection during such hours and subject to such conditions and payment of fees, as may be prescribed, and any person shall, on payment of such fees, be entitled to be furnished with a copy of any such document, statement or register or of any portion thereof.

77. Transfer of proceedings.—(1) On the application of any of the parties and after notice to the other parties and after hearing such of them as desired to be heard, or of its own motion without such notice, the District Judge may, at any stage, withdraw any proceeding pending before any Compensation Officer within his jurisdiction and transfer the same for disposal to any other Compensation Officer, as the case may be, within his jurisdiction and competent to dispose of the same.

(2) Where any proceeding has been transferred under sub-section (1), the officer, who thereafter disposes of such proceeding, may, subject to any special directions in the order of transfer, either re-try it or proceed from the point at which it was transferred.

78. Bar to jurisdiction of civil courts in certain matters.—Save as otherwise expressly provided by or under this Act, no suit or other proceeding shall lie in any civil court in respect of any entry in or omission from a Compensation Assessment Roll or in respect of any order passed under this Act.

79. Protection of action taken under this Act.—(1) No officer or servant of the Government shall be liable in any civil or criminal proceeding in respect of any act done under this Act or under any rule made thereunder if the act was done in good faith and in the course of execution of the duties, or the discharge of functions, imposed by or under this Act.

(2) No suit or other legal proceeding shall lie against the State Government for any damage caused or likely to be caused or any injury suffered or likely to be suffered by virtue of any provisions of this Act or by anything in good faith done or intended to be done in pursuance of this Act or any rules made thereunder.

80. Discharge of liability of the State Government.—The payment of compensation in accordance with the provisions of this Act shall be full discharge of any liability of the State Government to make such payment to the person as may have a rightful claim, but shall not prejudice any right in respect of such compensation, which any other person may be entitled by due process of law to enforce against the person to whom payment is so made.

81. State Government to be a party in the proceedings under Chapters IV and V.—(1) The State Government shall be and be deemed to be a party in every proceeding before the Compensation Officer under Chapters IV and V and every notice to be served or intended to be served on the State Government may be served on the Collector or an authority nominated by the Collector.

(2) Notwithstanding anything contained in the said Chapters of clause (iv) of sub-section (3) of Section 86, the period of limitation for filing of an appeal by or on behalf of the State Government shall be ninety days from the date of the order appealed against.

82. Suits, applications proceedings.—The provisions of Sections 331, 332, 332-A, 332-B and 333 of the Zamindari Abolition and Land Reforms Act, 1950, shall apply in relation to suits, applications or proceedings under

this Act as they apply in relation to suits, applications or proceedings under the said Act, but the State Government may, by Order published in the official *Gazette*, make such adaptation, modification, alteration or exception not affecting the substance as may, in its opinion, appear necessary and any such adaptation, modification, alteration or exception shall not be questioned in any court of law.

83. Adaptation and removal of difficulties.—The provisions of Sections 338 and 342 of the Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950, shall *mutatis mutandis* apply in relation to this Act as they apply in relation to the said Act.

84. Repeal of U. P. Act No. XVII of 1939.—With effect from the date of vesting, the U. P. Tenancy Act, 1939, shall be and is hereby repealed in its application to the urban areas.

85. Application of certain Acts to the proceedings under this Act.—Unless otherwise expressly provided by or under this Act, the provisions of the Indian Court Fees Act, 1870, the Code of Civil Procedure, 1908, and the Indian Limitations Act, 1908, shall apply to the proceedings under this Act.

86. Power to make rules.—(1) The State Government may make rules for the purpose of carrying into effect the provisions of this Act.

(2) Without prejudice to the generality of the foregoing powers, such rules may provide for—

- (i) the manner in which the Demarcation Officer shall determine and demarcate agricultural areas under Section 3 ;
- (ii) the form in which the proposals for demarcation shall be made ;
- (iii) the form and the manner in which the demarcation proposals and the details of the finally demarcated agricultural areas shall be available for inspection under Sections 4 and 5 respectively ;
- (iv) the manner in which the objections shall be filed under Section 4 and disposed of under Section 5 ;
- (v) the preparation and revision of records-of-rights under Section 7 ;
- (vi) the proceedings prior to the vesting of agricultural areas under Section 8 ;
- (vii) the disposal of suits and proceedings stayed under this Act ;
- (viii) the matters relating to the taking over of agricultural areas under Section 23 ;
- (ix) the manner and the form in which the Compensation Assessment Roll shall be prepared under Section 27 ;
- (x) the manner and the form in which objections shall be filed under Section 35 ;
- (xi) the procedure to be followed in placing the amount of compensation at the disposal of the Court or authority under Section 55 ;
- (xii) the procedure for payment of the amount under Section 53 ;
- (xiii) the matter and the procedure for the discharge of its duties, performance of its functions and exercise of its powers by a local authority under Chapter VII ;
- (xiv) the matters relating to the establishment and maintenance of Land Management Fund ;

- (xv) the manner and the procedure of the application of and payment from the Land Management Fund for purposes of this Act ;
 - (xvi) the matters on which and the manner in which directions may be issued by the State Government under Chapter VII to a local authority for purposes of this Act ;
 - (xvii) the procedure and the proceedings relating to the alternative arrangements for carrying on the functions and duties of a local authority under Chapter VII ;
 - (xviii) the procedure and the form for the maintenance of books and accounts and other registers, statements, returns and forms for purposes of this Act ;
 - (xix) the conduct of correspondence and execution of document and contracts by a local authority for purposes of this Act, and
 - (xx) the conduct and prosecution of suits and proceedings by or against the local authority in connexion with this Act.
- (3) The power to make rules given by this Act shall be deemed to include the powers to provide for—
- (i) imposing limits of time within which things to be done for the purposes of rules must be done, with or without powers to any authority therein specified to extend limits imposed ;
 - (ii) the procedure to be followed in applications, suits or other proceedings under this Act, in cases for which no specific provision has been made herein ;
 - (iii) the duties of any officer or authority having jurisdiction under this Act and the procedure to be followed by such officer or authority ;
 - (iv) the time within which applications and appeals may be presented under this Act, in cases for which no specific provision in that behalf has been made herein ;
 - (v) the fees to be paid in respect of appeals and applications under this Act, in cases for which no specific provision in that behalf has been made herein ;
 - (vi) the application of the provisions of Indian Limitations Act, 1908 to applications, appeals and proceedings under this Act ;
 - (vii) the delegation of powers conferred by this Act on the State Government to any other authority, officer or person ; and
 - (viii) the transfer of proceedings from one authority or officer or person, and
- (4) Every power to make rules given by this Act is subject to the condition of the rules being made after previous publication.
- (5) All rules made under this Act shall be published in the official *Gazette* and shall, unless some later date is appointed, come into force on the date of such publication.
- (6) All rules made under this Act shall be laid for not less than fourteen days before the State Legislature as soon as they are made, and shall be subject to such modifications as the Legislature may make during the session in which they are so laid.

SCHEDULE

(SECTION 1)

Areas to which the Act shall not apply in the first instance

PART A

The areas which on the 30th day of June, 1954 were included in a Municipality, Notified Area, Town Area or a Cantonment situate in—

- (a) Banaras State as defined in the Banaras State (Administration) Order, 1949,
- (b) Rampur as defined in the Rampur (Administration) Order, 1949,
- (c) Tehri-Garhwal as defined in the Tehri-Garhwal (Administration) Order, 1949, and
- (d) an enclave as defined in the Provinces and States (Absorption of Enclaves) Order, 1950, absorbed in U. P. under the said Order.

PART B

- (1) Kumaon Division.
- (2) Pargana Kaswar Raja of Banaras District.
- (3) Jaunsar-Bawar Pargana of Dehra Dun District.
- (4) Portion of the Mirzapur District south of the Kaimur Range.
- (5) Any Estate or part thereof owned by the Central Government, State Government or any local authority.

PART C

Any area held and occupied for a public purpose or a work of public utility and declared as such by the State Government or acquired under the Land Acquisition Act, 1894, the United Provinces Land Acquisition (Rehabilitation of Refugees) Act, 1948, the United Provinces Acquisition of Property (Flood Relief) (Temporary Powers) Act, 1948, or any other enactment other than this Act, relating to acquisition of land for a public purpose.

Explanation.—Any area held on the seventh day of July, 1949, for the purposes of a housing scheme by a Co-operative Society registered under the Co-operative Societies Act, 1912, or a society registered under the Societies Registration Act, 1860, or a limited liability company under the Indian Companies Act, 1913, shall be deemed to be held for a work of public utility.

U. P. URBAN AREA ZAMINDARI ABOLITION AND LAND REFORMS RULES, 1957

Notification No. 2-AZ/I-A—2099-57, dated Lucknow, January 2, 1958,
published in *U. P. Gaz. Extra.*, dated January 2, 1958

In exercise of the powers conferred by Section 86 of the Uttar Pradesh Urban Areas Zamindari Abolition and Land Reforms Act, 1956 (U. P. Act No. IX of 1957), the Governor of Uttar Pradesh is pleased to make the following rules after previous publication :

CHAPTER I

Preliminary

1. (a) (i) These rules may be called the Uttar Pradesh Urban Areas Zamindari Abolition and Land Reforms Rules, 1957.

(ii) They shall come into force at once.

(b) In these rules unless there is anything repugnant in the subject or context,

(i) "Act" means the Uttar Pradesh Urban Areas Zamindari Abolition and Land Reforms Act, 1956.

(ii) "Section" means a section of the Act.

(iii) "Commissioner" means the Commissioner of a Division, and includes an "Additional Commissioner" appointed under Section 13 of the Uttar Pradesh Land Revenue Act, 1901.

CHAPTER II

*Demarcation of Agricultural Areas***Part A—Preliminary Proposals**

2. **Sections 2 (1) and 3 (2).**—The notifications under Sections 2 (1) and 3 (1) of the Act shall be published in U. A. Forms 1 and 2 respectively, in the *Uttar Pradesh Gazette* and publicity shall be given to them within the local limits of the urban area in question by the Collector—

(a) by posting copies of the notifications at his court house, at the tahsil building, and at a conspicuous place at the office of the urban local authority concerned ;

(b) if the Collector so directs by beat of drum in the urban area concerned.

3. **Section 3 (2).**—(1) Upon the publication of the notification under sub-section (1) of Section 3 and the notification referred to in Section 2 (1), the Demarcation Officer shall direct the Supervisor Kanungo to make a preliminary check to see—

(a) if maps and records exist for the urban area concerned ;

(b) if a resurvey or revision of records in respect of the urban area is necessary ; and

(c) if the urban area has been correctly marked out on the map.

(2) On receipt of the Supervisor Kanungo's report, the Demarcation Officer shall proceed to make a local inspection to decide if it is expedient or necessary to recommend a resurvey or revision of records, which includes a fresh preparation of maps and records. Action in such cases shall be taken as provided in Part B of this Chapter.

4. **Section 86 (2) (i).**—In the remaining cases in which maps and records are found to satisfactorily exist in the urban area, and / or resurvey or revision of records is not recommended, the Demarcation Officer shall direct all Lekhpals and Amins appointed for the purpose of demarcation to carry out an intensive *partial* and map correction of the urban areas within their jurisdiction.

5. The Lekhpals and Amins shall compare the plots one by one with the map and shall note thereon all changes in the field boundaries and other alterations, after taking necessary measurement. Changes in the field may be shown in pencil but must afterwards be made in red ink.

6. The Lekhpals and Amins shall also verify at the spot, the fact of possession and variations of rent. In case any person other than the one recorded in the khasra is found to be in possession, the reasons for such dispossession shall also be ascertained and recorded. Action shall be taken in such cases as provided in paragraphs 82 to 89 of the Land Records Manual.

7. In respect of each plot included in the holding of persons mentioned in (a) to (c) of sub-section (1) of Section 2, it shall also be ascertained to what use the plot is actually being put. If the use is other than agriculture or horticulture, the specific use to which the plot is put, will be mentioned in the remarks column. If the plot contains a building, it will be recorded whether the building constitutes an improvement. If the plot is lying unused, the period during which it had been lying fallow shall also be ascertained and recorded.

8. An enquiry shall be made if there are any plots outside the holding area, which were held on a lease duly executed before the first day of July, 1955, for the purposes of erecting buildings thereon, and any entry to that effect will be made against the plots concerned in the remarks column of the khasra.

9. After finishing the *partial* and map correction of each separate village or portion of village in the urban area concerned the Lekhpal or the Amin, as the case may be, shall prepare a list of all new and modified entries in Form P-10 as given in the Land Records Manual. Thereafter action as provided in paragraph 89-A therein, and in rules 10 and 11 following hereinafter shall be taken. A copy of the list in Form P-10 shall also be delivered to the Chairman or President of the local authority concerned.

10. The Supervisor Kanungo shall, in cases where there is no dispute, correct or cause to be corrected all the mistakes discovered by him or by the Lekhpal or Amin. He shall refer the disputed cases together with a brief report of his own enquiry and the conclusion reached by him to the Demarcation Officer for orders.

11. The disputes referred to the Demarcation Officer by the Supervisor Kanungo shall be decided in a summary manner by the former after such enquiry as he considers necessary. No memorandum of evidence need be maintained, but the orders on the dispute list shall briefly contain the reasons for the decision of the Demarcation Officer. All orders passed by the Demarcation Officer shall be incorporated in the khasra and khatauni.

12. After the correction of the map has been made by the Lekhpal and the Amin, and the changes have been inked in red, a fresh trace thereof shall be prepared and numbered.

13. When the maps and records have been corrected and brought up-to-date, all plots or portions thereof coming under the definition of "agricultural area", as given in sub-section (1) of Section 2 of the Act, shall be marked on the maps in red ink.

14. A separate khasra and khatauni for the agricultural area thus demarcated shall then also be prepared in the U. A. Forms 3 and 4 respectively.

15. In preparing the khasra full entries of all the plots demarcated as agricultural areas shall be made and against those plots which are not demarcated as agricultural area the words "non-agricultural area" shall merely be entered.

Part B—Revision of Record of Rights

16. On receipt of a report under rule 3 from the Supervisor Kanungo, the Demarcation Officer shall satisfy himself about the need for revision of records and resurvey, and submit consolidated proposals for revision of records to the State Government through the Board of Revenue, U. P.

17. **Section 7.**—On receipt of Government orders sanctioning resurvey or revision of records in U. A. Form 5 the Demarcation Officer shall immediately take recourse to resurvey or the revision of records, as the case may be. The resurvey shall be done in accordance with the provisions contained in the book "Instructions for Survey of villages".

18. The Demarcation Officer shall have all the powers of an Assistant Record Officer.

19. After resurvey the map shall be renumbered according to paragraph 74 of the Manual for the Revision of Maps and Records, and area extraction will be done according to Chapter IX of the said Manual. A "Fardmutabiqat" shall then be prepared as in paragraph 82/87 of that Manual.

20. The tekhspals and Amins shall then *partial* the plots and prepare a khasra on the basis of new plot numbers in U. A. Form 3 in accordance with paragraphs 97 to 120 and 127 to 130 of the said Manual. In the remarks column they shall specially note the details required under rules 6 and 7.

21. Dispute lists shall also be prepared as in paragraphs 131 and 132 of the Manual.

22. The Supervisor Kanungo shall check 20 per cent of the khasra entries, and shall check all the entries in the dispute list.

23. Action to settle these disputes shall be taken as in rules 10 and 11.

24. Orders passed on the dispute list shall be incorporated in the khasra promptly.

25. The khatauni shall then be prepared in U. A. Form 4 appended to these rules. In preparing the khatauni the arrangement of holdings mentioned in paragraph 121 (for Agra) and 124-A (for Avadh) in the Land Records Manual shall be followed. Two new classes, 12-A in Agra and 6 B in Avadh, shall, for the purposes of these rules, be added for recording the area held on a lease duly executed before the first day of July, 1955, for the purpose of erecting buildings thereon.

26. The Demarcation Officer shall publish a notice in U. A. Form 6 in the urban area, affixing a copy thereof on the notice board of his office and another on that of the tahsil to the effect that the map, khasra and khatauni

have been revised and are open for inspection in his office by persons concerned and also calling upon all persons interested to file objections within 30 days of the notice.

27. The objections received under rule 26 shall be decided in accordance with the procedure relating to hearing and decision of disputes under Section 39 of the U. P. L. R. Act, 1901.

28. Fair records will then be prepared in U. A. Forms 3 and 4 given at the end of these rules and thereafter action will be taken as in rule 14.

Part C—Final Demarcation

29. **Section 4 (i) Section 86 (2) (ii).**—When the new maps and records showing the demarcation of agricultural areas are ready as prescribed in Part A or B of this Chapter, the Demarcation Officer shall submit the map and records of the demarcated area to the Commissioner with a memorandum, showing how the demarcation has been made.

30. **Section 4 (2).**—On receipt of such proposals, and after considering them the Commissioner may make such modifications therein as he may consider necessary. Thereafter he shall publish a notice in U. A. Form 7 in the Gazette. Copies of this notice shall also be placed on the notice boards of the Commissioner, the Collector, the Demarcation Officer and the Tahsildar, and one copy shall also be placed on the notice board of the office of the local body of the Urban Area concerned.

31. **Section 4 (3) Section 86 (2) (iii).**—Any person or authority affected may, within three months of the publication of the notice in the Gazette, file an objection on the proposals before the Demarcation Officer, stating clearly and specifically the number of the plots for which he prefers the objection and the grounds of objection, and attaching to it a certified extract of the khasra. The Demarcation Officer shall then examine the objections and shall, within one month of their filing, submit his report or comments on the objection to the Commissioner.

32. **Section 5 (i) Section 86 (2) (ii).**—After the expiry of three months mentioned in rule 31, the Commissioner shall fix a date and issue a notice to the objector in U. A. Form 8 for hearing the objections received, within the aforesaid period, giving the place and the time where and when the objections will be heard.

33. **Section 5 (i) Section 86 (2) (iii).**—On the date fixed for the hearing of objections, the Commissioner shall, after hearing the parties and taking and recording evidence, if necessary, if an objector is present, decide the objection, otherwise an *ex parte* order will be passed. The Commissioner shall pass specific and clear orders as to whether the land in question shall be treated as an agricultural area giving the precise entry to be made as a result of the order.

34. **Section 5 (2) Section 86 (2) (iii).**—After deciding the objections he shall return the proposal made by the Demarcation Officer, incorporating the changes made as a result of the decisions taken on those objections, and shall publish a notice in the Gazette, in U. A. Form 9, copies of which shall also be put on the notice boards of the Commissioner, the Collector, the Demarcation Officer, the Tahsildar and the local body concerned, stating that the agricultural areas have been finally demarcated, and details are open to inspection at the office of the Demarcation Officer.

35 **Section 5 (3) and 86 (2) (iii).**—An appeal shall lie to the Board against an order passed by the Commissioner, under rule 33, within 60 days thereof. After the decision of the appeal, or where no appeal has been filed, after the expiry of the period of limitation or filing such appeal, the proposals made by the Demarcation Officer, and as finally confirmed by the Commissioner, shall be taken as final.

U. A. FORM 1

[See Section 2 (1) and rule 2]

NOTIFICATION

In exercise of the powers conferred by sub-section (1) of Section 2 of the Uttar Pradesh Urban Areas Zamindari Abolition and Land Reforms Act, 1956 (U. P. Act No. IX of 1957), the Governor of Uttar Pradesh is pleased to notify that an "agricultural area" mentioned in the said section will constitute an area specified in clauses (a) to (e) thereof, existing in an "urban area" defined in sub-clause (a)/sub-clause (b) of sub-section (1) of Section 2 of the aforesaid Act, with reference to the date noted against each as below :

Name of Urban Area

District

Date.

By order,

Sachiv.

U. A. FORM 2

[See Section 3 (1) and rule 2]

NOTIFICATION

In continuation of notification no.....dated....., in exercise of the powers conferred by sub-section (1) of Section 3 of the Uttar Pradesh Urban Areas Zamindari Abolition and Land Reforms Act, 1956 (U. P. Act No. IX of 1957), the Governor of Uttar Pradesh is pleased to direct that with a view to acquisition under the provisions of the aforesaid Act of the rights, title and interest of intermediaries, the agricultural areas existing in urban areas mentioned in the above notification, shall be demarcated.

By order,

Sachiv.

U. A. FORM 4

[See rules 14, 25 and 28]

*Khatauni of village**Mohal**Urban Area.....Pargana**Tahsil**District*

Serial of Khatauni Khata	Name of cultiva- tor or occupier, with parentage and residence	Period of cultiva- tion (in case of buildings leases granted before July 1, 1955 the date of lease)	New Khasra No.	Area in acres or standard bighas	Rent		Uncultivated area in the holding		If not used for agri- culture or horti- culture the period of such non-use, and the purpose for which used		Remarks
					Cash	Kind	Class of land	Area			
1	2	3	4	5	6	7	8	9	10	11	

U. A. FORM 5

[See Section 7 and rule 17]

NOTIFICATION

In exercise of the powers conferred by Section 7 of the U. P. Urban Areas Zamindari Abolition and Land Reforms Act, 1956 (U. P. Act No. IX of 1957), the Governor of Uttar Pradesh is pleased to order that, for the purposes of demarcation of agricultural areas commenced by Notification No.....dated....., a record of rights be prepared or revised in respect of the urban areas, or part thereof, in accordance with the provisions of the U. P. Land Revenue Act, 1901 (U. P. Act No. III of 1901).

*Name of Urban Area**District*

By order,

Sachiv.

U. A. FORM 6

[See rule 26]

NOTICE

Whereas in pursuance of the Notification No.....dated....., issued under Section 7 of the U. P. Urban Areas Zamindari Abolition and Land Reforms Act, 1956 (U. P. Act No. IX of 1957), a records of rights has been prepared or revised in respect of the urban area, or part thereof, situated

.....

Town Area

Notified Area

Cantonment Board

Municipal Board

notice is hereby given to all persons or local authority interested that the revised map, Khasra and Khatauni are open for inspection in the office of the undersigned on any working day between 10 a.m. and 4 p.m. for the purpose of filing objections which should reach the undersigned within 30 days of the publication of this notice.

*Demarcation Officer,**Urban Area.*

U. A. FORM 7

[See sub-sections (2) and (3) of Section 4 and rule 30]

NOTICE

Whereas in pursuance of Notification No.dated....., proposals for the demarcation of agricultural areas in respect of the urban areas, or portions thereof, situated in.....

.....

Town Area

Notified Area

Cantonment Area

Municipal Board

have been formulated, notice is hereby given to all persons or local authorities

interested that they may file objections, if any, upon the said proposals within a period of three months from the date of the publication of this notice before the Demarcation Officer of the aforesaid urban areas between 10 a.m. and 4 p.m. on any working day for disposal by the undersigned.

2. The proposals referred to above will be available for inspection in the office of the aforesaid officer during the hours mentioned above.

Commissioner/Additional Commissioner,
.....*Division.*

U. A. FORM 8

[See rule 32]

NOTICE

Whereas you, Sri/Srimati..... son of/daughter of..... resident of....., had filed an objection against the proposal of the Demarcation Officer..... regarding agricultural areas

in the urban area located in the.....
Town Area
Notified Area
Cantonment Board
Municipal Board

you are hereby informed that the objection will be heard and decided by the undersigned in his court room on..... at 10 a.m. Take notice that in default of your appearance either in person or through your legally empowered agent the objection will be decided *ex parte*.

Commissioner/Additional Commissioner,
.....*Division.*

U. A. FORM 9

[See sub-section (2) of Section 5 and rule 34]

NOTICE

Whereas, as a consequence of the notice dated....., published under Section 4 (2) of the U. P. Urban Areas Zamindari Abolition and Land Reforms Act, 1956, in the *Uttar Pradesh Gazette*, dated....., proposals containing details of finally demarcated agricultural areas in respect of urban areas situated in.....

Town Area
Notified Area..... in the district of..... had been prepared, notice is hereby
Cantonment Board
Municipal Board

given to all persons or local authority interested that the proposals referred to above will be available for inspection in the office of the Demarcation Officer of the aforesaid urban area on any working day between 10 a.m. to 4 p.m.

Commissioner/Additional Commissioner,
.....*Division.*

CO-OPERATIVE SOCIETIES (U. P. AMENDMENT) ACT, 1956

(U. P. ACT No. X OF 1957)

CONTENTS

Sections

1. Short title, extent and commencement.
2. Addition of Sections 11-A to 11-F in Act II of 1912.
3. Amendment of Section 19 of Act II of 1912.
4. Insertion of a new Section 21-A in

Sections

- Act II of 1912.
5. Insertion of a new Section 42-A in Act II of 1912.
6. Insertion of a new Section 44-A in Act II of 1912.

[*Authoritative English Text of the Co-operative Societies (Uttar Pradesh Sanshodhan) Adhiniyam, 1956*]

AN ACT

to amend the Co-operative Societies Act, 1912, in its application to Uttar Pradesh for certain purposes

Whereas it is expedient to amend the Co-operative Societies Act, 1912, in its application to Uttar Pradesh for the purposes hereinafter appearing :

It is hereby enacted in the Eighth Year of the Republic of India as follows :

Prefatory Note.—The Statement of Objects and Reasons as attached to the Bill is given below :

“With the expansion of co-operation in various fields of economic activity as also the resolution that has taken place in the agricultural economy as a result of the Abolition of Zamindari system, necessity for amendment in the Co-operative Societies Act, 1912, has become imminent. A Committee for the reorganization of Co-operative Movement was appointed by the State Government in 1948. The Central Government also appointed a Co-operative Planning Committee. The recommendations made by these committees cover a long range of matter concerning co-operation. The Rural Credit Survey Report of the Committee appointed by the Central Government has laid great emphasis on provision for cheap and sufficient credit facilities to the agriculturists and for the better organization of marketing facilities to the rural public. The present Bill seeks to make in the Co-operative Societies Act, provision for the implementation of the more important of these recommendations. It may be necessary to bring a more exhaustive measure later.

2. A majority of the residents of this State are agriculturists. Amelioration of their economic condition, particularly provision for cheap credit and good marketing facilities is of primary importance. Ordinarily, a *sirdar* is not entitled under the provisions of the U. P. Zamindari Abolition and Land Reforms Act, 1950, to raise funds on the security of his holding. The Government are anxious that a *sirdar* should be able to raise funds for the development or otherwise of his holding. With this end in view and at the same time to guard against any indiscriminate transfers by capricious money lenders, the Government have decided that a *sirdar* should be able to raise funds on the security of his holding from a Co-operative Society. Section 4 of the Bill seeks to introduce the necessary provision.

3. With the all-round development on the rural side and the adoption of co-operatives in the various fields of economic activity, necessity for stricter control as also for co-ordination between smaller co-operatives has become urgently necessary. The Bill seeks to provide for these matters also.

4. It has also been found necessary that in appropriate cases, the Registrar should have authority to require persons connected with the management of the Co-operative Society to make good losses arising through his neglect or wrong action. This has been considered necessary in the interest of efficiency and successful working of co-operative institutions. The Bill makes provision for this under Section 6.

5. There are certain other consequential and ancillary matters for which provisions have been made. The Bill is accordingly introduced.” Vide *U. P. Gaz. Extra.*, dated October 17, 1956.

1. Short title, extent and commencement.—(1) This Act may be called the Co-operative Societies (U. P. Amendment) Act, 1956.

(2) It extends to the whole of Uttar Pradesh.

(3) It shall come into force from such date as the State Government may, by notification in the official *Gazette*, appoint in this behalf.

Note.—(1) The Act came into force w. e. f. June 1, 1957, *vide* U. P. Government Notification No. 2586-C/XII-C-291/1955, dated May 30, 1957.

(2) The Act was passed in Hindi by the Uttar Pradesh Legislative Assembly on December 17, 1956, and by the Uttar Pradesh Legislative Council on December 27, 1956.

Received the assent of the President on March 7, 1957, under Article 201 of the Constitution of India and was published in the *Uttar Pradesh Gazette Extraordinary*, dated March 12, 1957.

Published in the *Uttar Pradesh Gazette Extraordinary*, dated March 12, 1957.

2. Addition of Sections 11-A to 11-F in Act II of 1912.—After the existing Section 11 of the Co-operative Societies Act, 1912, hereinafter referred to as the Principal Act, the following shall be added as new Sections 11-A, 11-B, 11-C, 11-D, 11-E and 11-F :

“11-A. Powers to Registrar, Co-operative Societies, to compel societies to change bye-laws.—(1) Where the Registrar is of the opinion, whether on the representation of the society or any of its members or otherwise, that an amendment of the bye-laws of the society is necessary or desirable in the interest of the society or in public interest, he may, by order in writing to be issued to the society by registered post, require the society to make the amendment within such time as he may specify in such order.

(2) On the failure of the society to make any such amendment within the time specified, the Registrar may, after giving the society an opportunity of being heard, register such amendment and issue to the society by registered post a copy of the amendment so certified by him, which shall be conclusive evidence that the amendment has been duly made and registered. A bye-law so amended by the Registrar shall be a bye-law of the society.

(3) An appeal shall lie to the State Government from any order of the Registrar passed under sub section (2) within two months from the date of the issue of such order. The order of the State Government on appeal and subject to the result of an appeal, if any, the decision of the Registrar shall be final.”

“11-B. Change of names of societies and its effects.—A society may by amending its bye-laws change its name and such change shall in no case affect any right or obligation of the society or any of its members or past-members or the heirs of the deceased members and any legal proceedings may be continued by or against the society under its new name.”

“11-C. Change of liabilities.—(1) A society may by amending its bye-laws and subject to the provisions of Section 4 and Section 11, change its liability from ‘limited’ to ‘unlimited’ or *vice versa*.

(2) No amendment of a bye-law relating to the change of liability of a society shall be registered by a Registrar, unless he is satisfied that—

(i) sufficient notice has been given to every member of the society and all persons whose interests are, in his opinion, likely to be affected by the proposed change of liability ; and

(ii) with respect to every such member or person who, in the opinion of the Registrar, is entitled to object—

(a) either his assent has been obtained to the change, or

(b) if he signified his objection—

- (i) he is allowed to withdraw his share, if he is a member,
- (ii) his debt or claim has been discharged or determined and secured to the satisfaction of the Registrar within three months from the date of the notice."

"11-D. Amalgamation and transfer of assets and liabilities of societies.—(1) Subject to the approval of the Registrar, any two or more societies may, by a resolution passed by a majority of the members present at a general meeting of each such society, held for the purpose, amalgamate as a single society ; and the resolutions of the societies concerned shall, on such amalgamation and subject to compliance of the provisions below, vest the assets and transfer the liabilities of the amalgamating societies in the amalgamated society, which shall be deemed to be duly registered under the Act :

Provided that before the passing of such a resolution each member of the societies concerned, shall be given fifteen days' clear notice of such a resolution together with the date and the place of the meeting.

(2) The amalgamating societies shall, by resolutions passed in accordance with the procedure laid down in sub-section (1), transfer all their assets and liabilities to the amalgamated society :

Provided that when any such amalgamation involves the transfer of liabilities by any society, it shall be subject to three months' prior notice to creditors of such societies, whose liabilities are proposed to be transferred :

Provided further that if a creditor of any of the societies concerned, objects to such amalgamation by thirty days' notice in writing, prior to the date of amalgamation, to the societies concerned, the amalgamation shall not be made, unless the dues of such creditor have been satisfied."

"11-E. Splitting of division of societies.— 1) Subject to the approval of the Registrar, any society may, by a resolution passed by a majority of the members present at a general meeting of the society, held for the purpose, resolve to divide itself into two or more societies :

Provided that before the passing of such a resolution each member of the society, and all persons whose interests are likely to be affected by the resolution, shall be given thirty days' clear notice of such a resolution specifying the area of operation of, and the names of members of, each of the new societies together with the date and the place of meeting.

(2) Notwithstanding anything contained in sub-section (1)—

- (a) any member of the society may, on receipt of a notice of a resolution for the division of the society, intimate his intention of not becoming a member of any or all of the societies ; and
- (b) any person, whose interest is likely to be affected by the resolution, may, on receipt of notice of the resolution for the division of the society, demand satisfaction of his claim.

(3) After the expiry of three months from the date of despatch of a copy of the preliminary resolution to all the members and persons likely to be affected by the resolution, another special general meeting of the society, of which at least fifteen days' clear notice shall be given to its members, shall be convened for considering the preliminary resolution, and if at such meeting the preliminary resolution is confirmed by a resolution passed by a majority of the members present, either without changes or with such

changes, as in the opinion of the Registrar, are not material to the subject-matter of the preliminary resolution, the Registrar may, subject to the provisions of sub-sections (4) and (6) register the new societies and the bye-laws thereof, after cancelling the registration of the old society, which shall be deemed to be dissolved from the date of such cancellation.

Explanation.—The opinion of the Registrar as to whether the changes made in the preliminary resolution are or are not material, shall be final.

(4) At a special general meeting referred to in sub-section (3), a special resolution shall also be passed for—

- (i) the repayment of the share capital of all the members who have given notice under sub-section (2) ; and
- (ii) satisfaction of the claim of the persons whose interests are likely to be affected by the resolution of division of the society and who have given notice under sub-section (2).

(5) Where, within such time as the Registrar may consider reasonable, the share capital of the members or the claims of the persons likely to be affected by the resolution for the division of the society referred to in sub-section (4), is not secured or satisfied, the Registrar shall refuse to register the new societies.

(6) Notwithstanding anything contained in the Transfer of Property Act, 1882, or the Indian Registration Act, 1908, the registration of the new societies shall be sufficient to vest the assets and transfer the liabilities of the original society in, and to, the new societies in the manner specified in the preliminary resolution as confirmed under sub-section (3)."

"11-I. Final authority of a society.—(1) The final authority of a society shall vest in the general body of its members in general meeting :

Provided that, in such circumstances, as may be prescribed by the Registrar, the final authority may vest in the delegates of such members, elected in the manner prescribed by the Registrar and assembled in the meeting of the general body.

(2) The meeting of the general body of the members of a society, or of the delegates of such members, shall be summoned and shall exercise its authority in such manner as may be prescribed."

3. Amendment of Section 19 of Act II of 1912.—For Section 19 of the Principal Act, the following shall be substituted :

"19. Charge created in favour of societies.—Notwithstanding anything contained in the Provincial Insolvency Act, 1920, or in the Code of Civil Procedure, 1908, or in any other enactment relating to land-tenure for the time being in force, any debt or outstanding demand due to a society by any member past or present, or standing against the estate of any deceased member, shall, subject to any claim of the State Government arising from a loan granted by it before, but not after, the grant of the loan by the society and in respect of land revenue, or any sum recoverable as arrears of land revenue, be a first charge—

- (a) if such debt or demand is due in respect of the supply of, or any loans to provide the means for, seed, manure, labour, subsistence, fodder for cattle or any other thing incidental to the conduct of agricultural operations, upon the crops or agricultural produce of such member ;
- (b) if such debt or demand is due in respect of any loan to provide the means of paying the rent or revenue of the land, or for

irrigation facilities, upon the land whose rent or revenue has been so paid, or as the case may be, the irrigation facilities provided ;

- (c) if such debt or demand is due in respect of supply of or, any loan to provide the means for the purchase of, cattle, agricultural implements or ware-house for the storage of agricultural produce,—upon the crops and agricultural produce of such member and also upon the cattle, agricultural implements or ware-house so supplied or purchased wholly or in part from any such loan, at any time within three years from the date on which the last instalment of such loan becomes repayable ;
- (d) if such debt or demand is due in respect of the supply of or, any loan for the purchase of raw material, industrial implements, plant and machinery, workshops, ware-house or business premises,—upon the raw material or other things so supplied or purchased by such member and in the case of a debt or demand in respect of the supply or for the purchase of raw materials, also upon articles manufactured from such raw material ;
- (e) if such debt or demand is due in respect of any loan for the purchase or redemption of land purchased or redeemed,—upon the land purchased or redeemed by such member, past-member, or deceased member ; and
- (f) if such debt or demand is due in respect of any loan for the purchase or construction of any house or building or any portion thereof or in respect of the supply of materials for such constructions,—upon the house or building or material so purchased or constructed by such member :

Provided that along with the 'charge' created under sub-section (1) all the property including any amount payable by a society to the indebted member shall be liable to attachment and sale in execution of a decree in favour of the society irrespective of the object of the loan or the set-off of amount due on the member of the society towards the payment of such debt."

4. Insertion of a new Section 21-A in Act II of 1912.—After Section 21 of the Principal Act, the following shall be added as a new Section 21-A :

"21-A. Sale of the holding of a sirdar in execution of decree for money due to a society.—(1) Notwithstanding anything in Section 153 of the U. P. Zamindari Abolition and Land Reforms Act, 1950, the interest of a *sirdar* in his holding may, on the application of the society concerned, be sold in execution of any decree or order for payment of money, being money due to such society in respect of a debt or demand referred to in clauses (a) to (f) of Section 19, as though it were land revenue, payable in respect of the holding within the meaning of Section 284 of the said Act.

(2) The expressions 'holding' and '*sirdar*' in the section shall have the meaning assigned to them in the U. P. Zamindari Abolition and Land Reforms Act, 1950."

5. Insertion of a new Section 42-A in Act II of 1912.—After Section 42 of the Principal Act, the following shall be added as new Section 42-A :

"42-A. Exemption from Indian Limitations Act.—Notwithstanding

any provision in the Indian Limitations Act, 1908, the period of limitation for the institution of suits to recover any sum, including interest thereon due to a society by a member thereof, shall be computed from the date on which such member dies or ceases to be a member of the society."

6. Insertion of a new Section 44-A in Act II of 1912.—(1) After Section 44 of the Principal Act, the following shall be added as new Section 44-A :

"44-A. Where as a result of an audit under Section 17, or an inquiry under Section 35, or an inspection under Section 36, or the winding up of a society under Section 42, it appears to the Registrar that any person, who has taken part in the organization or management of the society or any past or present officer of the society, has—

- (a) made any payment which is contrary to law or to the rules or bye-laws of the society or instructions of any authority empowered by the Act to issue the instruction, or
- (b) by reason of his culpable negligence or misconduct, involved the society in any loss or deficiency, or
- (c) failed to bring into account any sum which ought to have been credited in the account of the society, or
- (d) misapplied, misappropriated or fraudulently retained any funds or property of the society or has otherwise become liable or accountable therefor, or
- (e) is guilty of misfeasance or breach of trust in relation to the society,

the Registrar may, notwithstanding that the act is one for which the defaulter may be criminally liable, on his own motion, or on the application of the officer conducting the audit or holding the inspection or inquiry or the liquidator, inquire into the conduct of such person or officer, and, after giving such person or officer an opportunity of being heard, make an order requiring him to contribute such sum to the assets of the society by way of compensation in respect of such payment or loss of sum, or to restore such property, as the Registrar thinks fit, together with such sum, as the Registrar may fix, to meet the cost of proceedings under this section :

Provided that, before any order requiring such person or officer to contribute is passed in respect of a payment referred to in clause (a), reasonable time shall be given to such person or officer to recover the amount from the payee and to credit it to the funds of the society :

Provided further that no order shall be passed under this sub-section in respect of any act or omission mentioned in clauses (a) to (e), except within five years of the date on which such act or omission occurred.

(2) An appeal shall lie from the order of the Registrar under sub-section (1) to the State Government, on application made by the person or officer against whom such order was passed, within three months from the date of the communication to him of such order. The order of the State Government on appeal, and, subject to the result of such appeal, if any, the order of the Registrar shall be final."

UTTAR PRADESH APPROPRIATION (SECOND SUPPLEMENTARY, 1956-57) ACT, 1957

(U. P. ACT No. XI OF 1957)

CONTENTS

Sections

1. Short title.
2. Issue of Rs. 11,30,58,500 out of the Consolidated Fund of Uttar Pradesh

Sections

- for the year 1956-57.
3. Appropriation.

[Authoritative English Text of 1957 ka Uttar Pradesh Viniyog (1956-57 ka Dwitiya Poorak) Adhiniyam]

AN ACT

to authorize payment and appropriation of certain sums from and out of the Consolidated Fund of the State to the service of the year ending thirty-first day of March, 1957

Whereas it is expedient to authorize payment and appropriation of certain sums from and out of the Consolidated Fund of the State to the service of the year ending on the thirty-first day of March, 1957 ;

It is hereby enacted in the Eighth Year of the Republic of India as follows :

Note.—The Act was passed in Hindi by the Uttar Pradesh Legislative Assembly on March 26, 1957, and by the Uttar Pradesh Legislative Council on March 28, 1957.

Received the assent of the Governor on March 28, 1957, under Article 200 of the Constitution of India and was published in the *Uttar Pradesh Gazette Extraordinary*, dated March 28, 1957.

Published in the *Uttar Pradesh Gazette Extraordinary*, dated March 28, 1957.

1. Short title.—This Act may be called the Uttar Pradesh Appropriation (Second Supplementary, 1956-57) Act, 1957.

2. Issue of Rs. 11,30,58,500 out of the Consolidated Fund of Uttar Pradesh for the year 1956-57.—From and out of the Consolidated Fund of Uttar Pradesh there may be paid and applied sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of Rs. 11,30,58,500 (Rupees eleven crores, thirty lakhs, fifty-eight thousand and five hundred only) towards defraying the several charges which will come in course of payment during the year ending on the thirty-first day of March, 1957, in respect of the services and purposes specified in column 2 of the Schedule.

3. Appropriation.—The sums authorized to be paid and applied from and out of the Consolidated Fund of Uttar Pradesh by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the year ending on the thirty-first day of March, 1957.

CRIMINAL LAW (COMPOSITION OF OFFENCES) (U. P. AMENDMENT) ACT, 1956

(U. P. ACT No. XII OF 1957)

CONTENTS

Sections

1. Short title and commencement.
2. Addition of a new Section 34-A in Act V of 1861.
3. Addition of a new Section 24-A in Act I of 1871.
4. Addition of a new Section 7-A in

Sections

- Act XIV of 1879.
5. Addition of a new Section 114-A in Act IV of 1939.
6. Application of certain sub-sections of Section 345 of Act V of 1898.

(As passed by the U. P. Legislature)

AN ACT

to provide for the composition of certain offences

Whereas it is expedient to provide for the composition of certain offences under the Police Act, 1861, the Cattle Trespass Act, 1871, the Hackney Carriages Act, 1879, and the Motor Vehicles Act, 1939, and to amend the said Acts in their application to Uttar Pradesh ;

It is hereby enacted in the Eighth Year of the Republic of India as follows :

Prefatory Note.—The Statement of Objects and Reasons as attached to the Bill is given as below :—

“There are a number of petty offences under certain Acts for which there is no alternative method of disposal except through trial. It is expedient to prescribe a procedure for composition of petty offences under these Acts. The Bill accordingly seeks to provide for the composition of offences under Section 7 of the Hackney Carriages Act, 1879 ; Section 24 of the Cattle Trespass Act, 1871 ; Sections 112, 113 and 114 of the Motor Vehicles Act, 1939 and Sections 32 and 34 of the Police Act, 1861.” Vide *U. P. Gaz. Extra.*, dated July 24, 1956.

1. Short title and commencement.—(1) This Act may be called Criminal Law (Composition of Offences) (U. P. Amendment) Act, 1956.

(2) It shall come into force at once.

Note.—The Act received the assent of the President on March 22, 1957 and the English translation of the Act was published in *U. P. Gaz. Extra.*, dated March 30, 1957.

2. Addition of a new Section 34-A in Act V of 1861.—After Section 34 of the Police Act, 1861, the following new section shall be inserted, namely :

“34-A. **Compounding of offences under Sections 32 and 34.**—The offences punishable under Sections 32 and 34 may be compounded by the District Superintendent of Police.”

3. Addition of a new Section 24-A in Act I of 1871.—After Section 24 of the Cattle Trespass Act, 1871, the following new section shall be inserted, namely :

“24-A. **Compounding of offences under Section 24.**—The offences punishable under Section 24 may, with the permission of the court before which any prosecution for such offence is pending, be compounded—

(a) where the cattle is rescued after seizure from a pound, by the local authority owning or maintaining the pound, or, if such local authority has nominated any person in that behalf, by such person ; and

(b) in other cases, by the person who was opposed in seizing the cattle or, as the case may be, from whom the cattle was rescued.”

4. Addition of a new Section 7-A in Act XIV of 1879.—After Section 7 of the Hackney Carriages Act, 1879, the following new Section 7-A be inserted, namely :

“7-A. **Compounding of offences under Section 7.**—(1) The offences punishable under Section 7 of the Hackney Carriages Act, 1879, may be compounded by the Executive Officer, or where there is no Executive Officer, by the Secretary of the Municipal Board.

(2) The expressions "Executive Officer" and "Secretary" in sub-section (1) mean the Executive Officer and Secretary of the Municipal Board concerned."

5. Addition of a new Section 114-A in Act IV of 1939.—After Section 114 of the Motor Vehicles Act, 1939, the following new section shall be inserted, namely :

"114-A. Compounding of offences under Sections 112, 113 and 114.—(1) The offences punishable under Sections 112 and 113 may be compounded by the Regional Transport Officer, or, where he is so authorized by the Regional Transport Officer, by the Assistant Regional Transport Officer.

(2) The offences under Section 114 may be compounded by the Transport Commissioner, or, where he is so authorized by the Transport Commissioner, by the Deputy Transport Commissioner (Administration).

(3) The expressions "Transport Commissioner", "Deputy Transport Commissioner (Administration)", "Regional Transport Officer" and "Assistant Regional Transport Officer" mean the officers appointed as such by the State Government."

6. Application of certain sub-sections of Section 345 of Act V of 1898.—(1) The provisions of sub-sections (3), (5), (5-A) and (6) but not of sub-section (7) of Section 345 of the Code of Criminal Procedure, 1898, shall apply to offences compoundable under Sections 34-A, 24-A, 7-A and 114-A inserted in the respective Acts by Sections 2 to 5 of this Act.

(2) The provisions of sub-section (4) of the said Section 345 of the Code shall also apply to offences compoundable under clause (b) of Section 24-A aforementioned.

UTTAR PRADESH APPROPRIATION (REGULARIZATION OF EXCESSES, 1952-53) ACT, 1957

(U. P. ACT No. XIII OF 1957)

CONTENTS

Sections	Sections
1. Short title.	for the year 1952-53.
2. Issue of Rs. 3,36,07,449 out of the Consolidated Fund of Uttar Pradesh	3. Appropriation.

(As passed by the U. P. Legislature)

AN ACT

to provide for the authorization of appropriation of moneys out of the Consolidated Fund of the State to meet the amounts spent on certain services during the financial year ended on the 31st day of March, 1953, in excess of the amounts authorized or granted for the said services

It is hereby enacted in the Eighth Year of the Republic of India as follows :

Note.—The Act received the assent of the Governor on March 29, 1957 and the English translation of the Act was published in *U. P. Gaz. Extra*, dated March 30, 1957.

1. Short title.—This Act may be called the Uttar Pradesh Appropriation (Regularization of Excesses, 1952-53) Act, 1957.

2. Issue of Rs. 3,30,07,449 out of the Consolidated Fund of Uttar Pradesh for the year 1952-53.—From and out of the Consolidated Fund of Uttar Pradesh, there may be paid and applied the sums specified in column 3 of the Schedule amounting in the aggregate to the sum of Rs. 3,30,07,449 (Rupees three crores, thirty lakhs, seven thousand, four hundred and forty-nine only) to meet the amounts spent for defraying the charges in respect of the services specified in column 2 of the Schedule during the financial year ended on the 31st day of March, 1953, in excess of the amounts authorized or granted for those services for that year.

3. Appropriation.—The sums authorized to be paid and applied from and out of the Consolidated Fund of Uttar Pradesh by this Act shall be appropriated and shall be deemed to have been appropriated for the services and purposes expressed in the Schedule in relation to the year ending on the 31st day of March, 1953.

UTTAR PRADESH APPROPRIATION (VOTE ON ACCOUNT) ACT, 1957

(U. P. Act No. XIV OF 1957)

CONTENTS

Sections

1. Short title.
2. Issue of Rs. 77,47,22,000 out of the Consolidated Fund of Uttar Pradesh

Sections

- for the year 1957-58.
3. Appropriation.

[Authoritative English Text of the Uttar Pradesh Viniyog (Lekhanudan)
Adhiniyam, 1957]

AN ACT

to provide for the withdrawal of certain sums from and out of the Consolidated Fund of the State for the service of the year beginning on the first day of April, 1957

Be it enacted as follows :

Prefatory Note.—For Statement of Objects and Reasons, please see *Uttar Pradesh Gazette*, dated April 6, 1957.

Passed in Hindi by the Uttar Pradesh Legislative Assembly on March 26, 1957 and by the Uttar Pradesh Legislative Council on March 28, 1957.

Received the assent of the Governor on March 30, 1957, under Article 200 of the Constitution of India and was published in *Uttar Pradesh Gazette Extraordinary*, dated March 30, 1957.

Published in *Uttar Pradesh Gazette Extraordinary*, dated March 30, 1957.

1. Short title.—This Act may be called the Uttar Pradesh Appropriation (Vote on Account) Act, 1957.

2. Issue of Rs. 77,47,22,000 out of the Consolidated Fund of Uttar Pradesh for the year 1957-58.—From and out of the Consolidated Fund of Uttar Pradesh there may be withdrawn sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of Rs. 77,47,22,000 (Rupees seventy-seven crores, forty-seven lakhs and twenty-two thousand only) towards defraying the several charges which will come in course of payment during the year beginning on the first day of April, 1957.

3. Appropriation.—The sums authorized to be withdrawn from and out of the Consolidated Fund of Uttar Pradesh by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the said year.

UTTAR PRADESH SALES OF MOTOR SPIRIT TAXATION (AMENDMENT) ACT, 1957

(U. P. ACT No. XV OF 1957)

CONTENTS

Sections

1. Short title, extent and commencement.
2. Amendment of Section 2 of U. P. Act I of 1939.

Sections

3. Amendment of Section 3 of U. P. Act I of 1939.

[*Authoritative English text of the Uttar Pradesh Sales of Motor Spirit Taxation (Sanshodhan) Adhiniyam, 1957*]

AN ACT

to amend the United Provinces Sales of Motor Spirit Taxation Act, 1939, for certain purposes

Whereas, it is expedient to amend the United Provinces Sales of Motor Spirit Taxation Act, 1939, for the purposes hereinafter appearing;

It is hereby enacted in the Eighth Year of the Republic of India as follows:

Prefatory Note.—The Statement of Objects and Reasons as attached to the Bill is as below :

“The United Provinces Sales of Motor Spirit Taxation Act, 1939, was enacted with a view to levy tax on retail sales of motor spirit. The experience of working of this Act during last 18 years has revealed that the definition of “motor spirit” under the Act is too wide and includes “Diesel Oil” although no tax has been collected on it on account of the fact that there are no licensed retail dealers for it. At the same time, no tax is leviable on “Diesel Oil” under the United Provinces Sales Tax Act, 1948, so long as it is covered by the term “motor spirit”. The proposed Bill will remove this contradiction. Opportunity is also being availed for making an amendment in Section 3 of the Act, with a view to make the power of levying the tax elastic. This is much too rigid at present. The Bill is accordingly introduced.” Vide *U. P. Gaz. Extra.*, dated April 16, 1957.

1. Short title, extent and commencement.—(1) This Act may be called the Uttar Pradesh Sales of Motor Spirit Taxation (Amendment) Act, 1957.

(2) It extends to the whole of Uttar Pradesh.

(3) It shall come into force at once.

Note.—The Act was passed in Hindi by the Uttar Pradesh Legislative Assembly on May 7, 1957, and by the Uttar Pradesh Legislative Council on May 9, 1957.

Received the assent of the Governor on May 22, 1957, under Article 200 of the Constitution of India and was published in the *Uttar Pradesh Gazette Extraordinary*, dated May 27, 1957.

Published in the *Uttar Pradesh Gazette Extraordinary*, dated May 27, 1957.

2. Amendment of Section 2 of U. P. Act I of 1939.—In Section 2 of the United Provinces Sales of Motor Spirit Taxation Act, 1939 (hereinafter

called the Principal Act), for clause (a) the following shall be substituted and shall be deemed to have been substituted from April 1, 1948.

(a) 'motor spirit' means any inflammable hydrocarbon (including any mixture of hydrocarbons or any liquid containing hydrocarbon) with a flash point of or below 145°F, which is ordinarily used for providing reasonable efficient motive-power for any form of motor vehicle or for internal combustion engines."

3. Amendment of Section 3 of U. P. Act I of 1939.—In sub-section 1 of Section 3 of the Principal Act, for the words "two annas", the words "six annas" shall be substituted.

U. P. CONSOLIDATION OF HOLDINGS (AMENDMENT) ACT, 1957

(U. P. ACT No. XVI OF 1957)

CONTENTS

Sections

1. Short title and commencement.
2. Amendment of Section 3 of U. P. Act V of 1954.
3. Amendment of Sections 3, 12 and 14 of U. P. Act V of 1954.
4. Amendment of Section 10-A of U. P. Act V of 1954.
5. Amendment of Section 12 of U. P. Act V of 1954.
6. Amendment of Section 14 of U. P. Act V of 1954.
7. Amendment of Section 19 of U. P. Act V of 1954.
8. Amendment of Section 20 of U. P. Act V of 1954.
9. Amendment of Section 22 of U. P. Act V of 1954.
10. Amendment of Section 23 of U. P. Act V of 1954.
11. Amendment of Section 24 of U. P.

Sections

- Act V of 1954.
12. Amendment of Section 26 of U. P. Act V of 1954.
13. Insertion of a new Section 26-A in U. P. Act V of 1954.
14. Insertion of new Section 29-B in U. P. Act V of 1954.
15. Validation.
16. Amendment of Section 33 of U. P. Act V of 1954.
17. Amendment of Section 34 of U. P. Act V of 1954.
18. Insertion of a new Section 36-A in U. P. Act V of 1954.
19. Amendment of Section 42 of U. P. Act V of 1954.
20. Amendment of Section 43 of U. P. Act V of 1954.
21. Saving of certain proceedings, etc.

[Authoritative English text of the Uttar Pradesh Jot Chakbandi (Sanshodhan)
Adhiniyam, 1957]

AN ACT

to amend the U. P. Consolidation of Holdings Act, 1953, for certain purposes

Whereas it is necessary to amend the U. P. Consolidation of Holdings Act, 1953, for the purposes hereinafter appearing ;

It is hereby enacted in the Eighth Year of the Republic of India as follows :

Prefatory Note.—The Statement of Objects and Reasons as attached to the Bill is as given below :

"Section 14 (1) (e) of the U. P. Consolidation of Holdings Act, 1953, provides for a contribution by tenure-holders towards land required for purposes of common utility. The Act did not provide for payment of any compensation to tenure-holders for this land because it was of the nature of contribution rather than of acquisition. In a recent judgment, the High Court have, however, held that Section 14 (1) (e) is invalid as it contravenes the provisions of Article 31 of the Constitution in-as-much as it provides for taking away of a tenure-holder's land without payment of compensation. Obviously, a scheme of consolidation in which there is no provision for purposes of common utility, for example, laying out roads, siting of schools, extension of abadi, etc. could not give full benefits of this reform. It is mainly for the purpose of providing cash compensation for the contribution of land by

tenure-holders that this amendment Bill is being introduced. The provision for payment of compensation has been given retrospective effect to validate action taken in this connection so far and a validating clause has been added. The Bill also attempts to remove other difficulties and shortcomings which have come to light as a result of the experience gained so far and amendments have been included to remove confusion of terms used in the Act and to provide a clear definition of 'question of title' on the same lines as in Section 332-A of the U. P. Zamindari Abolition and Land Reforms Act and of 'Consolidation Committee.' A provision has been added empowering the Consolidation Officer to effect partition of joint holdings on his own initiative to make consolidation of holdings more effective. A scheme of consolidation including more than one village has also been provided for." Vide *U. P. Gaz. Extra.*, dated April 17, 1957.

1. Short title and commencement.—(1) This Act may be called the U. P. Consolidation of Holdings (Amendment) Act, 1957.

(2) It shall come into force at once.

Note.—The Act was published in the *Uttar Pradesh Gazette Extraordinary*, dated June 3, 1957.

Passed in Hindi by the Uttar Pradesh Legislative Assembly on May 4, 1957, and by the Uttar Pradesh Legislative Council on May 7, 1957.

Received the assent of the President on May 25, 1957, under Article 201 of the Constitution of India and was published in the *Uttar Pradesh Gazette Extraordinary*, dated June 3, 1957.

2. Amendment of Section 3 of U. P. Act V of 1954.—In Section 3 of the U. P. Consolidation of Holdings Act, 1953 (hereinafter called the Principal Act), for sub-section (2-A), the following shall be substituted :

"(2-A) 'Consolidation Committee' means a committee of—

(a) members nominated under sub-section (2) of Section 43 ; and

(b) either members of the Land Management Committee constituted under Section 121 of the U. P. Zamindari Abolition and Land Reforms Act, 1950, possessing the prescribed qualifications ; provided that the number of such members does not exceed five ;

or members elected in accordance with sub-section (1) of Section 43 ;

or members nominated under sub-section (1-A) of Section 43."

3. Amendment of Sections 3, 12 and 14 of U. P. Act V of 1954.—In sub-section (8) of Section 3, sub-section (2) of Section 12 and sub-sections (2) and (3) of Section 14, the words "Consolidation Committee" shall be substituted for the words "Land Management Committee".

4. Amendment of Section 10-A of U. P. Act V of 1954.—After sub-section (2) of Section 10-A of the Principal Act, the following shall be added as sub-sections (3) and (4) :

"(3) With a view to consolidate the shares of a tenure-holder or a group of tenure-holders in different joint holdings under the same scheme of consolidation, the Consolidation Officer, may, at any time, *suo moto*, after giving notice in the manner prescribed, to the persons affected, partition the shares of such tenure-holders.

(4) Any person aggrieved by the order of the Consolidation Officer under sub-section (2) or (3) may, within 15 days of the date of order, file an appeal before the Settlement Officer (Consolidation) whose decision, shall, except as otherwise provided by or under this Act, be final.

5. Amendment of Section 12 of U. P. Act V of 1954.—In sub-section (5) of Section 12 of the Principal Act, the following shall be inserted after the words "question of title" and prior to word "in respect of" :

"or a question whether any person is a *sirdar*, *adhivasi* or *asami*."

6. Amendment of Section 14 of U. P. Act V of 1954.—In sub-section (1) of Section 14 of the Principal Act—

(1) in clause (d), the words “and other common use” shall be deleted,

(2) in clause (cc), for the words “purposes of common utility”, the words “public purposes” shall be substituted.

7. Amendment of Section 19 of U. P. Act V of 1954.—In sub-section (3) of Section 19 of the Principal Act, the words “or common” shall be deleted.

8. Amendment of Section 20 of U. P. Act V of 1954.—In Section 20 of the Principal Act—

(1) in sub-section (2)—

(a) the words “likely to be” shall be deleted ;

(b) the word “shall” shall be substituted for the word “may.”

(2) in sub-section (3)—

(a) the word “shall” shall be substituted for the word “may” ;

(b) after the words “nature of such interest or right” a fullstop shall be inserted and thereafter the words “and the manner in which—compensation therefor” shall be deleted.

(c) the proviso shall be deleted.

9. Amendment of Section 22 of U. P. Act V of 1954.—In Section 22 of the Principal Act—

(1) in sub-section (2)—

(a) for the words “making of reference under sub-section (1)” the words “publication of the statement of proposals under sub-section (1) of Section 20”, shall be substituted ;

(b) after the words “question of title”, the words “or a question whether any person is a *sirdar*, *adivais* or *asami*” shall be inserted.

(2) The following shall be added as a new sub-section (4) :

“(4) The question of title in respect of any plot mentioned in the statement of proposals published under sub-section (1) of Section 20, which might and ought to have been raised under Section 20, but had not been raised, shall not be raised in any objection filed under sub-section (1) of Section 34.”

10. Amendment of Section 23 of U. P. Act V of 1954.—For Section 23 of the Principal Act, the following shall be substituted :

“23. **Confirmation of the Statement of Proposal.**—(1) The Settlement Officer (Consolidation) shall confirm the statement of proposals if no objections are filed within the time specified in Section 20 or, where such objections are filed, after such modification or alterations as may be necessary in view of the orders passed under Section 21.

(2) The Statement as confirmed shall be published and shall be final except in so far as it relates to land which is the subject-matter of references made to the Civil Judge and which have not been disposed of till then.”

11. Amendment of Section 24 of U. P. Act V of 1954.—For Section 24 of the Principal Act, the following shall be substituted :

“24. **Date of coming into force of the scheme.**—The Consolidation

Scheme shall come into force on the date on which it has been confirmed by the Settlement Officer (Consolidation) under sub-section (1) of Section 23."

12. Amendment of Section 26 of U. P. Act V of 1954.—For Section 26 of the Principal Act, the following shall be substituted :

"26. **Date of entering into possession.**—Subject to the provisions of Section 26-A, the tenure-holders shall be entitled to enter into possession of fields allotted to them on after a date to be fixed by the Settlement Officer (Consolidation) subsequent to the date of confirmation of consolidation scheme."

13. Insertion of a new Section 26-A in U. P. Act V of 1954.—After Section 26 of the Principal Act, the following shall be inserted as a new Section 26-A :

"26-A. **Provisional possession.**—(1) Notwithstanding anything contained in Sections 27 and 30, the maps and records and the tenure-holder's right to land in respect of which the statement of proposals has not become final under sub-section (2) of Section 23, shall remain provisional."

(2) Within 30 days of the decision by the arbitrator of a reference pending on the date of confirmation, any party concerned may apply to the Consolidation Officer or, if the notification under Section 52 has been issued, to the Tahsildar, to set aside the provisional entries in the statement of proposals and to pass such orders as to the re-allocation of affected *chaks* as may be necessary. On receipt of the application within the specified time, the Consolidation Officer or the Tahsildar, as the case may be, shall pass such orders as may be necessary because of the decision under sub-section (2) of Section 22 for finalising what had remained provisional.

(3) Any person aggrieved by the order of the Consolidation Officer or the Tahsildar may, within 15 days of the order, file an appeal before the Settlement Officer (Consolidation), or the Assistant Collector Incharge of the Sub-Division, as the case may be. The order made under this sub-section shall be final.

(4) The Consolidation Officer or the Tahsildar, as the case may be, shall cause delivery of actual possession of re-allocated *chaks* to be made to such party as the final order under sub-section (2) or (3) may require and for so doing shall have all the powers including powers as regards contempt, resistance and the like as are exercisable by a Civil Court in execution of a decree for delivering possession of immovable property."

14. Insertion of new Section 29-B in U. P. Act V of 1954.—After Section 29-A of the Principal Act, the following shall be and be deemed always to have been inserted as a new Section 29 B :

"29-B. **Compensation for land contributed by a tenure-holder for public purposes.**—(1) In respect of land contributed or to be contributed by any tenure-holder for public purposes under and in pursuance of the Consolidation Scheme framed under Chapter III there shall be paid to the tenure-holder in cash, in the manner prescribed, compensation which shall be an amount equal to—

(a) in the case of land held as *bhumidhar*, four times the value determined at hereditary rates applicable thereto, and

(b) in the case of land as *sirdar*, two times such valuation.

(2) Where any land in respect of which compensation is paid or is to be paid under sub-section (1) is in the occupation of an *asami*, there shall be

paid to the *asami* out of the compensation payable to the *bhumidhar* or *sirdar*, as the case may be, an amount equal to 5 per cent of such compensation in respect of his right, title and interest therein.

(3) The State Government may make rules to provide for the manner in which and the time when the compensation payable under sub-sections (1) and (2) shall be paid."

15. Validation.—(1) For the removal of doubts it is declared that all orders made, actions or proceedings taken or directions issued or jurisdiction exercised under or in accordance with the provisions of the Principal Act, as it stood prior to its amendment by this Act, shall be deemed to be good and valid in law as if Section 14 had been in force on all material dates.

(2) Where in respect of any area a declaration has been published under Section 4 of the Principal Act prior to the commencement of this Amendment Act and whether proceedings for consolidation are continuing or a notification under Section 52 has been made, there shall be paid to the tenure-holder in respect of the land contributed or to be contributed by him for public purposes, compensation at the rates and in the manner provided in or under Section 14, any judgment, decree, order or direction of any court notwithstanding.

(3) Where prior to coming into force of this Act, any court has set aside any consolidation scheme or a part of it or quashed any allotment order merely on the ground that clause (ee) of sub-section (1) of Section 14 of the Principal Act was in conflict with Article 31 of the Constitution of India, the scheme aforesaid shall be deemed to be good and valid in law, any judgment, decree, direction or other order made or issued by any court notwithstanding.

16. Amendment of Section 33 of U. P. Act V of 1954.—For sub-section (1) of Section 33 of the Principal Act, the following shall be substituted :

"(1) The State Government shall fix the amount of cost of consolidation and the amount so fixed shall be distributed between the persons affected, in the manner prescribed."

17. Amendment of Section 34 of U. P. Act V of 1954.—In sub-section (1) of Section 34 of the Principal Act, the word "may" shall be substituted by the word "shall".

18. Insertion of a new Section 36-A in U. P. Act V of 1954.—After Section 36 of the Principal Act, the following shall be added as a new Section 36-A :

"36-A. **Question of title.**—Where in any proceeding under this Act, a question is raised whether a person is or, on any particular date, was a *sirdar*, *adivasi* or *asami* of any land, it shall not be deemed to be a question of title."

19. Amendment of Section 42 of U. P. Act V of 1954.—After sub-section (4) of Section 42 of the Principal Act, the following shall be added as sub-section (5) :

"(5) Where powers are to be exercised or duties to be performed by any officer appointed under this Act, such powers or duties may also be exercised or performed by the officers mentioned subsequent to him in sub-section (1)."

20. Amendment of Section 43 of U. P. Act V of 1954.—In Section 43 of the Principal Act—

(1) For sub-section (1), the following shall be substituted :

“(1) **Consolidation Committee.**—Where the Land Management Committee, constituted under Section 121 of the U. P. Zamindari Abolition and Land Reforms Act, 1950, consists of more than five members possessing the prescribed qualifications, it shall elect from amongst its qualified members, five or such larger number not exceeding 11, as may be fixed by the Director of Consolidation :

Provided that where the area for which a scheme of consolidation is to be prepared, consists of villages or part thereof within the circles of different Land Management Committees, such Committees shall, in the manner prescribed, elect from amongst themselves, such number of qualified members as may be fixed by the Director of Consolidation.”

(2) For sub-section (1-A) the following shall be substituted :

“(1-A) In respect of any area to which sub-section (2) of Section 117-A of the U. P. Zamindari Abolition and Land Reforms Act, 1950, is applicable, the Collector, after consultation with the Chairman of the local authority concerned, shall nominate from amongst the residents of the area concerned such number of qualified members not being less than 5 or more than 11, as may be fixed by the Director of Consolidation.”

(3) In sub-section (2), the words, “The persons so nominated shall, for purposes of this Act, have all the powers and be subject to all the liabilities of members of the Committee” shall be deleted.

21. Saving of certain proceedings, etc.—Nothing in Section 18 shall affect the validity, invalidity, effect or consequence of anything already done or suffered or any right, or title, obligation or liability already acquired, accrued, incurred, or any jurisdiction already exercised, and any proceeding referred to any Civil Judge prior to commencement of this Act, shall continue to be heard by the appropriate authority.

THE PROVINCIAL SMALL CAUSE COURTS (U. P. AMENDMENT) ACT, 1957

(U. P. Act No. XVII of 1957)

CONTENTS

Sections

1. Short title and commencement.

Sections

2. Amendment of Section 25 of Act IX of 1887.

[As passed by the Uttar Pradesh Legislature]

AN ACT

to amend the Provincial Small Cause Courts Act, 1887, for certain purposes

Whereas it is expedient to amend the Provincial Small Cause Courts Act, 1887, in its application to Uttar Pradesh for the purposes hereinafter appearing ;

It is hereby enacted in the Eighth Year of the Republic of India as follows :

Prefatory Note.—The Statement of Objects and Reasons as attached to the Bill is as below :

“Sometimes in 1949 the Government of India appointed a Committee under the chairmanship of Mr. Justice S. R. Das to enquire into and report on the advisability of curtailing the right of appeal and revision and to suggest ways and means to reduce the accumulation of arrears in High Court. The Committee have *inter alia* recommended that in cases arising out of Small Cause Courts the jurisdiction of the High Court under Section 25 of the Provincial Small Cause Courts Act can safely be transferred to the District Judge. This recommendation of the Committee is reasonable and well considered. It is, therefore, proposed to amend Section 25 of the Provincial Small Cause Courts Act so as to provide that the power of revision which is at present exercisable by High Court under the Act shall hereafter be vested in District Judge.

The Provincial Small Cause Courts (U. P. Amendment) Bill, 1957, is introduced accordingly for the consideration of the House.” Vide *U. P. Gaz. Extra.*, dated April 13, 1957.

1. Short title and commencement.—(1) This Act may be called the Provincial Small Cause Courts (U. P. Amendment) Act, 1957.

(2) It shall come into force at once.

Note.—The Act received the assent of the President on May 30, 1957 and the English translation of the Act was published in *U. P. Gaz. Extra.*, dated June 4, 1957.

2. Amendment of Section 25 of Act IX of 1887.—For Section 25 of the Provincial Small Cause Courts Act, 1887, the following shall be substituted :

“25. **Revision of decrees and orders of Courts of Small Causes.**—The District Judge, for the purpose of satisfying himself that a decree or order made in any case decided by a Court of Small Causes was according to law, may call for the case and pass such order with respect thereto as he thinks fit.”

THE UTTAR PRADESH LABOUR WELFARE FUND (AMENDMENT) ACT, 1957

(U. P. Act No. XVIII of 1957)

CONTENTS

<i>Sections</i>	<i>Sections</i>
1. Short title, extent and commencement.	Act No. XXXVII of 1956.
2. Amendment of Section 2 of U. P.	3. Amendment of Section 10 of U. P. Act No. XXXVII of 1956.

[As passed by the U. P. Legislature]

AN ACT

to amend the Uttar Pradesh Labour Welfare Fund Act, 1956, for certain purposes

Whereas it is expedient to amend the Uttar Pradesh Labour Welfare Fund Act, 1956, for the purposes hereinafter appearing ;

It is hereby enacted in the Eighth Year of the Republic of India as follows :

Prefatory Note.—The Statement of Objects and Reasons as attached to the Bill is as below :

1. “While conveying the assent of the President to the Uttar Pradesh Labour Welfare Fund Bill, 1956, the Government of India suggested that the Labour Welfare Board, which is to administer the Fund, should be a body corporate, and a period should be fixed after which unpaid wages will become “accumulations” to be credited to the Fund. These suggestions are useful and it is proposed to incorporate them through an Amendment Act.

2. The Uttar Pradesh Labour Welfare Fund (Amendment) Bill, 1957, is being introduced accordingly". Vide *U. P. Gaz. Extra.*, dated April 16, 1957.

1. Short title, extent and commencement.—(1) This Act may be called the Uttar Pradesh Labour Welfare Fund (Amendment) Act, 1957.

(2) It shall come into force at once.

Note.—The Act received the assent of the President on June 8, 1957 and the English translation of the Act was published in *U. P. Gaz. Extra.*, dated June 15, 1957.

2. Amendment of Section 2 of U. P. Act No. XXXVII of 1956.—In clause (11) of Section 2 of the Uttar Pradesh Welfare Fund Act, 1956 (hereinafter called the Principal Act), for the words "but not paid to him, including" the following shall be substituted :

"but not paid to or claimed by him within a period of three years from the date on which they became due, whether before or after the commencement of this Act, and shall include".

3. Amendment of Section 10 of U. P. Act No. XXXVII of 1956.—In Section 10 of the Principal Act, after sub-section (1), the following shall be inserted as a new sub-section (1-A) :

"(1-A) The Board shall be a body corporate with perpetual succession and a common seal and can sue and be sued in its own name."

THE UTTAR PRADESH PANCHAYAT RAJ (AMENDMENT) ACT, 1957

(U. P. Act No. XIX of 1957)

CONTENTS

Sections

1. Short title and commencement.
2. Amendment of Section 2 of U. P. Act XXVI of 1947.
3. Amendment of Section 5-A of U. P. Act XXVI of 1947.

Sections

4. Amendment of Section 37 of U. P. Act XXVI of 1947.
5. Amendment of Section 95 of U. P. Act XXVI of 1947.
6. Validation.

[As passed by the U. P. Legislature]

AN ACT

further to amend the U. P. Panchayat Raj Act, 1947, for certain purposes

Whereas it is expedient further to amend the U. P. Panchayat Raj Act, 1947, for the purposes hereinafter appearing ;

It is hereby enacted in the Eighth-Year of the Republic of India as follows :

Prefatory Note.—The Statement of Objects and Reasons as attached to the Bill is given below :

"The U. P. Panchayat Raj Act, 1947, was passed by the Legislature in 1947 and the Gaon Panchayats and Nyaya Panchayats constituted under it started functioning from August 15, 1949. Some amendments to the Act were made in 1950 and 1952 and in 1954, the Act was almost overhauled on the recommendations of the U. P. Panchayat Raj (Amendment) Act Committee, consisting of members of both the Houses of the State Legislature. During the last general elections to the panchayats the need for making certain further changes in the provisions of the law has been brought before Government's notice. The changes envisaged in the Bill seek to further elucidate qualifications of candidates for holding office under Gaon Sabha, Gaon Panchayat or Nyaya Panchayat, namely to preclude incapacitated and unsuitable persons and persons convicted under the Untouchability (Offences) Act, 1955, and other laws, from seeking panchayat elections, to remove

disqualified persons who managed to get elected, to fix a definite time-limit up to which certain disqualifications should remain operative and to facilitate disposal of election petitions.

The Bill is accordingly introduced." Vide *U. P. Gaz. Extra.*, dated April 27, 1957.

1. Short title and commencement—(1) This Act may be called the Uttar Pradesh Panchayat Raj (Amendment) Act, 1957.

(2) It shall come into force at once.

Note.—The Act received the assent of the Governor on August 14, 1957 and the English translation of the Act was published in *U. P. Gaz. Extra.*, dated Aug. 17, 1957.

2. Amendment of Section 2 of U. P. Act XXVI of 1947.—In Section 2 of the U. P. Panchayat Raj Act, 1947 (hereinafter referred to as the Principal Act)—

(1) in clause (e) after the word "constituted" the words "and shall, respectively, include 'Additional Collector', 'Additional District Magistrate' and 'Additional Sub-divisional Magistrate'" shall be and be deemed always to have been added; and

(2) after clause (s) the following shall be and be deemed always to have been added as clause (ss)—

"(ss) 'Sub-divisional Officer' includes an Additional Sub-divisional Officer designated or appointed as such by the appropriate authority ;"

3. Amendment of Section 5-A of U. P. Act XXVI of 1947.—In Section 5-A of the Principal Act—

(1) in clause (l) the colon after the figures "1947" shall be deleted and thereafter the words "or the Untouchability Offences Act, 1955;" shall be added ;

(2) after clause (l) the following shall be added as new clauses (m) and (n)—

"(m) is blind or dumb ; or

(n) has been removed from office under sub-clause (iii) or (iv) of clause (g) of sub-section (1) of Section 95 unless such period as has been provided in that behalf in the said section or such lesser period as the State Government may have ordered in any particular case has elapsed ;" and

(3) for the existing provisos the following provisos shall be substituted :

"Provided that the period of disqualification under clauses (d), (g), (h), (i), (j), (k) or (l) shall be five years from such date as may be prescribed :

Provided further that the disqualification under clause (e) shall cease upon payment of arrears :

Provided also that a disqualification under clauses (d), (g), (h), (i), (j), (k) or (l) may, in the manner prescribed, be removed by the State Government."

4. Amendment of Section 37 of U. P. Act XXVI of 1947.—In sub-section (1) of Section 37 of the Principal Act—

(1) in clause (c) for the word "fee" wherever it occurs the word "tax" shall be substituted ; and

(2) in clause (e) for the words "fees" and "fee" the words "a tax" and "tax" shall respectively be substituted.

5. Amendment of Section 95 of U. P. Act XXVI of 1947.—In sub-section (1) of Section 95 of the Principal Act—

(1) in clause (g)—

- (i) in sub-clause (iii) the word “or” at the end shall be deleted ;
- (ii) for the full-stop occurring at the end of sub-clause (iv) a comma shall be substituted and thereafter the word “or” shall be added ;
- (iii) after sub-clause (iv), the following shall be added as new sub-clause (v)—

“(v) suffers from any of the disqualifications mentioned in clauses (a) to (m) of Section 5-A ;” and

(2) after clause (g), the following shall be added as a new clause (h)—

“(h) remove a person, if, having been elected as a Pradhan, he does not possess the qualification specified in Section 5-B.”

6. Validation.—For the removal of doubts it is hereby declared that—

- (a) all orders made (except an order or judgment which has already been set aside before the commencement of this Act,) actions or proceedings taken, directions, issued or jurisdiction exercised by any Additional Sub-divisional Officer, prior to the said commencement, under or in accordance with the provisions of the Principal Act or any rules made thereunder, which would have been validly and properly made, taken, issued or exercised, as the case may be, if clause (ss) had been part of Section 2 of the Principal Act, shall be and be deemed to have been as good and valid in law as if the amendments made in Section 2 of the Principal Act by this Act had been in force at all material dates ; and
- (b) all applications for questioning elections pending at the commencement of this Act before any Additional Sub-divisional Officer shall be decided as if the provisions of clause (ss) of Section 2 of the Principal Act had been in force at all material dates.

THE UTTAR PRADESH LAND REFORMS (EVACUEE LAND) ACT, 1957

(U. P. Act No. XX of 1957)

CONTENTS

Sections

1. Short title, extent and commencement.
2. Amendment of paragraph 2 of Schedule V of U. P. Act No I of 1951.
3. Amendment of paragraph 4 of Schedule V of U. P. Act No I of 1951.
4. Amendment of paragraph 4-A of Schedule V of U. P. Act No. I of 1951.

Sections

5. Insertion of new paragraph 4-B in Schedule V of U. P. Act No. I of 1951.
6. Insertion of new paragraph 8 in Schedule V of U. P. Act No. I of 1951.
7. Repeal of U. P. Ordinance II of 1957.

[As passed by the Uttar Pradesh Legislature]

AN ACT

*to amend the Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950,
for certain purposes*

Whereas the Uttar Pradesh Land Reforms (Evacuee Land) Ordinance, 1957, was promulgated by the Governor, under Article 213 of the Constitution of India, to amend the Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950, for certain purposes ;

And whereas it is expedient that the said Ordinance be replaced by an Act of the Legislature;

It is hereby enacted in the Eighth Year of the Republic of India as follows:

Prefatory Note.—The Statement of Objects and Reasons as attached to the Bill is given below:

1. "Schedule V of the Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950, dealing with evacuee lands was last amended by the Land Reforms (Amendment) Act, No. XVIII of 1936, to enable *adhivasis* under Section 20 (a) to acquire *bhumidhari* rights after making certain deposits. To facilitate final disposal of evacuee properties, it is now sought to provide the Custodian and the Government of India with power to transfer *sirdari* interests vested in them and to give opportunity to certain occupiers to acquire superior rights similarly.

2. A short Bill to provide for the above objects and to remove certain doubts was introduced in the Legislature in its last session and was passed by the U. P. Legislative Council. Due to the paucity of time it could not be taken up by the U. P. Legislative Assembly. The amendments being of an important nature and any delay in their enforcement would have vitally affected the interests of a certain category of occupier of evacuee lands, the provisions of the aforesaid Bill were enforced through the U. P. Land Reforms (Evacuee Land) Ordinance, 1957 (U. P. Ordinance No. II of 1957) under instructions from the President of India.

3. To replace the Ordinance, the Bill is being re-introduced." Vide U. P. Gaz. Extra, dated July 19, 1957.

1. Short title, extent and commencement.—(1) This Act may be called the Uttar Pradesh Land Reforms (Evacuee Land) Act, 1957.

(2) It extends to the whole of Uttar Pradesh except the areas which on the 7th day of July, 1949, were included in a municipality or a notified area under the provisions of the U. P. Municipalities Act, 1916, or a cantonment under the provisions of the Cantonment Act, 1924, or a town area under the provisions of the U. P. Town Area Act, 1914.

(3) It shall come into force at once.

Note.—The Act received the assent of the President on August 27, 1957 and the English translation of the Act was published in U. P. Gaz. Extra, dated August 29, 1957.

2. Amendment of paragraph 2 of Schedule V of U. P. Act No. I of 1951.—In paragraph 2 of Schedule V of the Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950 (hereinafter referred to as the Principal Act)—

(1) in sub-paragraph (1) for the words and figures "before the 31st day of December, 1956", the words and figures "before the 31st day of December, 1957, or such further date as the State Government may, from time to time by notification in the official Gazette, specify in this behalf" shall be and be deemed always to have been substituted; and

(2) in sub-paragraph (3) for the words "on the date of commencement of the Uttar Pradesh Land Reforms Act, 1951", the words "under Section 246" shall be and be deemed always to have been substituted.

3. Amendment of paragraph 4 of Schedule V of U. P. Act No. I of 1951.—In sub-paragraph (1) of paragraph 4 of Schedule V of the Principal Act, for the words and figures "before 31st day of December, 1956", the words and figures "before the 31st day of December, 1957 or such further date as the State Government may, from time to time by notification

in the official *Gazette*, specify in this behalf” shall be and be deemed always to have been substituted.

4. Amendment of paragraph 4-A of Schedule V of U. P. Act No. I of 1951.—In paragraph 4-A of Schedule V of the Principal Act, for the existing clause (a), the following shall be and be deemed always to have been substituted, namely,—

“(a) for the figures and words ‘20 times,’ the figures and words ‘15 times’ had been substituted, and”

5. Insertion of new paragraph 4-B in Schedule V of U. P. Act No. I of 1951.—After paragraph 4-A of Schedule V of the Principal Act, the following shall be added as a new paragraph 4-B :

“4-B. (1) Any person recorded as occupier of any evacuee land in the *khassra* or *khatauni* for the year 1363 *fasli* and where no such record has been prepared in that year, in the *khassra* or *khatauni* which was last prepared may pay to the Custodian before the 31st day of December, 1957, or such further date as the State Government may, from time to time by notification in the official *Gazette*, specify in this behalf, an amount equal to twenty times the rent computed at hereditary rates applicable to such land.

(2) The amount paid under sub-paragraph (1) shall be credited by the Custodian to the account of the evacuee concerned.

(3) Where the person liable to pay the amount under sub-paragraph (1)—

(a) pays the same within the period allowed therefor, he shall become a *bhumidhar* of the land liable to pay the land revenue equal to one-half of the rent computed at hereditary rates applicable to the land ; or

(b) fails to pay the same within the period allowed therefor, he shall forfeit all his rights, title and interests, if any, in the evacuee land and shall be liable to ejectment by the Custodian in the same manner as a lessee from the Custodian and all the provisions of the Administration of Evacuee Property Act, 1950, relating to ejectment shall apply to him accordingly :

Provided that no notice of ejectment shall be issued after December 31, 1958.

Explanation.—In this paragraph ‘evacuee land’ means land which is evacuee property but does not include land—

- (i) in occupation of an allottee or lessee of Custodian, or
- (ii) allotted to a displaced person against his claim under the Displaced Persons Compensation and Rehabilitation Act, 1955, or
- (iii) in which rights of a *bhumidhar* may be acquired under Sections 16 and 20 of the Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950 as modified by Schedule V thereof.”

6. Insertion of new paragraph 8 in Schedule V of U. P. Act No. I of 1951.—After paragraph 7 of Schedule V of the Principal Act, the following shall be added as a new paragraph 8—

“8. Notwithstanding anything contained in Section 153, the Custodian or the Central Government may transfer, by sale or otherwise, the interest of a *sirdar*, in the land vested in them under the Administration of Evacuee Property Act, 1950, or the Displaced Persons Compensation and Rehabilitation Act, 1955 :

Provided that no such transfer shall be made for so long as any person is entitled to acquire *bhumidhari* rights in such land under the provisions of paragraphs 2, 4, 4-A or 4-B."

7. Repeal of U. P. Ordinance II of 1957.—The U. P. Land Reforms (Evacuee Land) Ordinance, 1957, is hereby repealed and the provisions of Sections 6 and 24 of the U. P. General Clauses Act, 1904, shall apply to it as if it had been an enactment repealed by an U. P. Act.

THE HINDI SAHITYA SAMMELAN (REORGANIZATION) (AMENDMENT) ACT, 1957

(U. P. Act No. XXI of 1957)

CONTENTS

<i>Sections</i>	<i>Sections</i>
1. Short title and commencement.	3. Amendment of Section 12 of U. P. Act No. XXXVI of 1956.
2. Amendment of Section 11 of U. P. Act No. XXXVI of 1956.	4. Repeal of U. P. Ordinance I of 1957.

[As passed by the U. P. Legislature]

AN ACT

to amend the Hindi Sahitya Sammelan (Reorganization) Act, 1956

Whereas the Hindi Sahitya Sammelan (Reorganization) (Amendment) Ordinance, 1957, was promulgated by the Governor under Article 213 of the Constitution of India to amend the Hindi Sahitya Sammelan (Reorganization) Act, 1956, for certain purposes ;

And whereas it is expedient that the said Ordinance be rep'aced by an Act of the Legislature ;

It is hereby enacted in the Eighth Year of the Republic of India as follows :

Prefatory Note.—The Statement of Objects and Reasons is as below :

"According to Section 11 of the Hindi Sahitya Sammelan (Reorganization) Act the Interim Board was to frame the first Niyamavali of the Sammelan within four months and to send the draft Niyamavali for approval to the State Government, which after considering the same could approve it with or without modifications. And under Section 12 of the Act the Interim Board had to hold the first election to the Sthayi Samiti in accordance with the provisions of the Niyamavali (as approved by the State Government) within six months. The Interim Board could not do so as a writ application challenging the validity of the Act was filed in the High Court and an injunction was issued from the High Court prohibiting the State Government from taking any action under the Act (including the giving of its approval to the Niyamavali which was to be framed by the Interim Board). Since the period specified under Sections 11 and 12 expired no further action could be taken by the Board. In order to extend the periods an Ordinance was promulgated by the Governor on June 26, 1957.

The Ordinance will cease to have effect from August 30, 1957 and in order to give a permanent footing to its provisions this Bill is being presented. "Vide *U. P. Gaz. Extra.*, dated July 22, 1957.

1. Short title and commencement.—(1) This Act may be called the Hindi Sahitya Samme'an (Reorganization) (Amendment) Act, 1957.

(2) It shall come into force at once.

Note.—The Act received the assent of the Governor on August 29, 1957 and the English translation of the Act was published in *U. P. Gaz. Extra.*, dated August 29, 1957.

2. Amendment of Section 11 of U. P. Act No. XXXVI of 1956—In sub-section (1) of Section 11 of the Hindi Sahitya Sammelan (Reorganization) Act, 1956 (hereinafter called the Principal Act)—

(i) for the word “four” the word “twelve” shall be, and be deemed to have always been substituted; and

(ii) between the words “from the date of its establishment” and the words “frame the first Niyamavali in respect of” the words “or within such further period as may be specified by the State Government from time to time in this behalf” shall be inserted.

3. Amendment of Section 12 of U. P. Act No. XXXVI of 1956.—In Section 13 of the Principal Act—

(i) for the word “six” the word “twelve” shall be, and be deemed to have always been substituted; and

(ii) for the words “within such further extended period as may be specified by the State Government in this behalf” the words “within such further period as may be specified by the State Government from time to time in this behalf” shall be substituted.

4. Repeal of U. P. Ordinance I of 1957.—The Hindi Sahitya Sammelan (Reorganization) (Amendment) Ordinance, 1957, is hereby repealed and the provisions of Sections 6 and 24 of the U. P. General Clauses Act, 1904, shall apply to it as if it had been an enactment repealed by an U. P. Act.

THE UTTAR PRADESH APPROPRIATION ACT, 1957

(U. P. Act No. XXII of 1957)

CONTENTS

Sections

1. Short title.
2. Issue of Rs. 2,02,08,16,000 out of the Consolidated Fund of Uttar Pradesh

Sections

- for the year 1957-58.
3. Appropriation.

[As passed by the U. P. Legislature]

AN ACT

to authorize payment and appropriation of certain sums from and out of the Consolidated Fund of the State to the service of the year ending thirty-first day of March, 1958

Whereas it is expedient to authorize payment and appropriation of certain sums from and out of the Consolidated Fund of the State to the service of the year ending on the thirty-first day of March, 1958;

It is hereby enacted in the Eighth Year of the Republic of India as follows:

Note.—The Act received the assent of the Governor on August 31, 1957 and the English translation of the Act was published in *U. P. Gaz. Extra.*, dated August 31, 1957.

1. Short title.—This Act may be called the Uttar Pradesh Appropriation Act, 1957.

2. Issue of Rs. 2,02,08,16,000 out of the Consolidated Fund of Uttar Pradesh for the year 1957-58.—From and out of the Consolidated Fund of Uttar Pradesh there may be paid and applied sums not exceeding

those specified in column 3 of the Schedule amounting in the aggregate [inclusive of the sums specified in column 3 of the Schedule to the U. P. Appropriation (Vote on Account) Act, 1957, (U. P. Act No. XIV of 1957)] to the sum of Rs. 2,02,08,16,000 (Rupees two hundred and two crores, eight lakhs and sixteen thousand only) towards defraying the several charges which will come in course of payment during the year ending on the thirty-first day of March, 1958, in respect of the services specified in column 2 of the Schedule.

3. Appropriation.—The sums authorized to be paid and applied from and out of the Consolidated Fund of the Uttar Pradesh by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the year ending on the thirty-first day of March, 1958.

THE U. P. INDUSTRIAL DISPUTES (AMENDMENT AND MISCELLANEOUS PROVISIONS) ACT, 1957

(U. P. ACT NO. XXIII OF 1957)

CONTENTS

Sections

1. Short title and commencement.
2. Amendment of Section 4-E of U. P. Act No. XXVIII of 1947.
3. Amendment of Section 4-I of U. P. Act No. XXVIII of 1947.
4. Amendment of Section 6-A of U. P. Act No. XXVIII of 1947.
5. Amendment of Section 6-H of U. P. Act No. XXVIII of 1947.

Sections

6. Amendment of Section 6-I of U. P. Act No. XXVIII of 1947.
7. Insertion of new Sections 6-S, 6-T and 6-U in U. P. Act No. XXVIII of 1947.
8. Amendment of Section 16 of U. P. Act No. I of 1957.
9. Amendment of Section 17 of U. P. Act No. I of 1957.

[As passed by the U. P. Legislature]

*further to amend the U. P. Industrial Disputes Act, 1947, for certain purposes
and to provide for certain other matters*

Whereas it is expedient to amend the U. P. Industrial Disputes Act, 1947, for the purposes hereinafter appearing ;

It is hereby enacted in the Eighth Year of the Republic of India as follows :

Prefatory Note.—The Statement of Objects and Reasons as attached to the Bill is as below :

“It has been found necessary to make certain changes in the U. P. Industrial Disputes Act, 1947. These relate to the addition of a member of the State Public Service Commission to the Committee to be set up under Section 4-E for preparing a list of persons to be appointed as Presiding Officers of Labour Courts and Industrial Tribunals, a provision on the lines of the Central Industrial Disputes Act, for declaring an award to be un-enforceable on public grounds affecting National or State economy and regulation of strikes and lock-outs in industrial establishments. It is proposed to introduce these and some other verbal and consequential changes through an Amendment Act.

This Bill is being introduced accordingly.” Vide *U. P. Gaz. Extra.* dated April 27, 1957.

1. Short title and commencement.—(1) This Act may be called the Uttar Pradesh Industrial Disputes (Amendment and Miscellaneous Provisions) Act, 1957.

(2) It shall come into force at once.

Note.—The Act received the assent of the President on August 31, 1957 and the English translation of the Act was published in *U. P. Gaz. Extra.*, dated Sept. 3, 1957.

2. Amendment of Section 4-E of U. P. Act No. XXVIII of 1947.—In Section 4-E of the U. P. Industrial Disputes Act, 1947 (hereinafter referred to as the Principal Act), for sub-section (1) the following shall be substituted :

“(1) The State Government shall constitute a Committee consisting of the following :

- (i) **Committee to prepare lists under Section 4-D.**—A Chairman who shall be appointed by the State Government and shall be a person who is or has been a Judge of a High Court ;
- (ii) the Chief Secretary to the State Government ;
- (iii) the Secretary to the State Government in the Labour Department ;
- (iv) the Legal Remembrancer to the State Government ; and
- (v) a member of the Public Service Commission, Uttar Pradesh, to be nominated by the Chairman of the Commission.”

3. Amendment of Section 4-I of U. P. Act No. XXVIII of 1947.—In Section 4-I of the Principal Act, for clause (ii) of the proviso, the following shall be substituted :

“(ii) Where the change is likely to affect workmen who are persons to whom the Fundamental and Supplementary Rules, Civil Services (Classification, Control and Appeal) Rules, Civil Services (Temporary Service) Rules, Civil Service Regulations or any other rules or regulations that may be notified in this behalf by the State Government in the official *Gazette*, apply.”

4. Amendment of Section 6-A of U. P. Act No. XXVIII of 1947.—In the first proviso to sub-section (1) of Section 6-A of the Principal Act, for the words “on grounds of social justice, ‘the words’ on public grounds affecting national or State economy or social justice” shall be substituted.

5. Amendment of Section 6-H of U. P. Act No. XXVIII of 1947.—For sub-section (1) of Section 6-H of the Principal Act, the following shall be substituted :

“(1) **Recovery of money due from an employer.**—Where any money is due to a workman from an employer under the provisions of Sections 6-J to 6-R or under a settlement or award, or under an award given by an adjudicator or the State Industrial Tribunal appointed or constituted under this Act, before the commencement of the Uttar Pradesh Industrial Disputes (Amendment and Miscellaneous Provisions) Act, 1956, the workman may, without prejudice to any other mode of recovery, make an application to the State Government for the recovery of the money due to him, and if the State Government is satisfied that any money is so due, it shall issue a certificate for that amount to the Collector who shall proceed to recover the same as if it were an arrear of land revenue.”

6. Amendment of Section 6-I of U. P. Act No. XXVIII of 1947.—For sub-section (3) of Section 6-I of the Principal Act, the following shall be substituted :

“(3) No officer of a Union shall be entitled to represent any party unless a period of two years has elapsed since its registration under the Indian Trade Unions Act, 1926, and the Union has been registered for one trade only:

Provided that an officer of a federation of unions may subject to such conditions as may be prescribed represent any party."

7. Insertion of new Sections 6-S, 6-T and 6-U in U. P. Act No. XXVIII of 1947.—After Section 6-R of the Principal Act, the following shall be inserted as new Section 6-S to 6-U :

"6-S. Prohibition of illegal strikes and lock-outs.—(1) No person employed in an industrial establishment shall go on strike—

- (a) without giving to the employer a notice of strike within thirty days before striking ; or
- (b) within fourteen days of giving such notice ; or
- (c) before the expiry of the date of strike specified in any such notice as aforesaid ; or
- (d) during the pendency of any conciliation proceeding before a Conciliation Officer or a Board and thirty days after the conclusion of such proceeding, if he is concerned in the dispute which is the subject-matter of such proceeding ; or
- (e) between the commencement and the conclusion of proceeding before a Labour Court or a Tribunal, if he is concerned in the dispute which is the subject-matter of such proceeding ; or
- (f) during any period in which a settlement or award is in operation, in respect of the matters covered by the settlement or award.

(2) No employer shall lock out any of his workmen—

- (a) without giving him notice of lock-out within thirty days before locking out ; or
- (b) within fourteen days of giving such notice ; or
- (c) before the expiry of the date of lock-out specified in any such notice as aforesaid ; or
- (d) during the pendency of any conciliation proceeding before a Conciliation Officer or a Board, and thirty days after the conclusion of such proceeding, if the workman is concerned in the dispute which is the subject-matter of such proceeding ; or
- (e) between the commencement and the conclusion of proceeding before a Labour Court or a Tribunal, if the workman is concerned in the dispute which is the subject-matter of such proceeding ; or
- (f) during any period in which a settlement or award is in operation, in respect of any of the matters covered by the settlement or award.

(3) The notice of strike or lock-out under this section shall not be necessary where a lock-out or, as the case may be, a strike already exists in the industrial establishment, but the employer shall send intimation of the lock-out or strike on the day on which it is declared, to such authority as may be prescribed.

(4) Every notice of a strike or lock-out under this section shall specify a date within three days of which if no strike or lock-out takes place in pursuance of the notice, the notice shall cease to have effect and fresh notice shall have to be given for a strike or lock-out.

(5) The notice of strike, referred to in sub-section (1), shall be given by such number of persons to such person or persons, and in such manner as may be prescribed.

(6) The notice of lock-out, referred to in sub-section (2), shall be given in such manner as may be prescribed.

6-T. Illegal strikes and lock-outs.—(1) A strike or lock-out shall be illegal if it is commenced or declared in contravention of Section 6-S or is continued beyond the date on which the industrial dispute to which the strike or, as the case may be, the lock-out relates, is taken up by a Board or is referred for adjudication to a Labour Court or Tribunal.

(2) A strike declared in consequence of an illegal lock-out or a lock-out declared in consequence of an illegal strike in an industrial establishment shall not be deemed to be illegal.

6-U. Prohibition of instigation or incitement to illegal strikes and lock-outs.—No person shall aid, instigate or incite others to take part in or otherwise act in furtherance of any strike or lock-out which is, or when commenced, will be in contravention of the provisions of this Act."

8. Amendment of Section 16 of U. P. Act No. I of 1957.—In Section 16 of the Uttar Pradesh Industrial Disputes (Amendment and Miscellaneous Provisions) Act, 1956, the following words shall be, and be deemed at all times to have been, added in the end :

"and the provisions of Section 6-A of the Principal Act shall remain enforceable with reference to such a proceeding".

9. Amendment of Section 17 of U. P. Act No. I of 1957.—In sub-section (2) of Section 17 of the Uttar Pradesh Industrial Disputes (Amendment and Miscellaneous Provisions) Act, 1956, the words occurring after the words "State Legislature" shall be deleted.

THE U P. SALES TAX (AMENDMENT) ACT, 1957

(U. P. ACT No. XXIV OF 1957)

CONTENTS

Sections

1. Short title, extent and commencement.

Sections

2. Amendment of Section 1 of U. P. Act XIX of 1956.

[As passed by the Uttar Pradesh Legislature]

AN ACT

to amend the U. P. Sales Tax Act, 1948, for certain purposes

Whereas it is expedient to amend the U. P. Sales Tax Act, 1948, for the purposes hereinafter appearing ;

It is hereby enacted in the Eighth Year of Republic of India as follows :

Prefatory Note.—The Statement of Objects and Reasons as attached to the Bill is given below :

"Along with the U. P. Sales Tax (Amendment) Ordinance, 1956, certain notifications under amended Section 3-A of the U. P. Sales Tax Act, 1948, were also issued on March 31, 1956. In a judgment recently delivered by the Allahabad High Court, it has been held that some of these notifications are invalid in-as-much as the State Government had no power on March 31, 1956, to issue any notifications under the amended Section 3-A of the U. P. Sales Tax Act, which the High Court has held, actually came into force from April 1, 1956. It is accordingly proposed to amend the Act so as to give effect to the amended Section 3-A from March 31, 1956.

The Bill is, therefore, introduced." Vide *U. P. Gaz. Extra.*, dated Sept. 3, 1957.

1. Short title, extent and commencement.—(1) This Act may be called the U. P. Sales Tax (Amendment) Act, 1957.

(2) It extends to the whole of Uttar Pradesh.

(3) It shall come into force at once.

Note.—The Act received the assent of the President on August 31, 1957 and was published in *U. P. Gaz. Extra.*, dated Sept. 3, 1957.

2. Amendment of Section 1 of U. P. Act XIX of 1956.—For sub-section (2) of Section 1 of the U. P. Sales Tax (Amendment) Act, 1956, the following shall be and be deemed to have always been substituted :

“(2) This section, so much of Section 3, as relates to the substitution of the second proviso to sub-section (1) of Section 3 of the U. P. Sales Tax Act, 1948 (hereinafter called the Principal Act) and Section 4, shall have effect on and from the 31st day of March, 1956 ;

and Section 2, the remaining portion of Section 3, Sections 5 to 9 and Sections 11 to 15 shall, subject as hereinafter provided, have effect on and from the 1st day of April, 1956 ;

and Sections 10 and 16, shall have effect from such date as the State Government may, by notification in the official *Gazette*, appoint in this behalf :

Provided that the amendments made by Sections 12 and 15 of this Act shall also apply in relation to assessments for any year before the 1st day of April, 1956, whether such assessments have or had at any stage been completed or not.”

THE U. P. STATE LEGISLATURE MEMBERS (PREVENTION OF DISQUALIFICATION) (AMENDMENT) ACT, 1957

(U. P. Act No. XXV of 1957)

CONTENTS

Sections

1. Short title and commencement.

Sections

2. Amendment of U. P. Act XIII of 1952.

(As passed by the Uttar Pradesh Legislature)

AN ACT

*to amend the U. P. State Legislature Members (Prevention of Disqualification)
(Second) Act, 1952, for certain purposes*

Whereas it is expedient to amend the U. P. State Legislature Members (Prevention of Disqualification) (Second) Act, 1952, for the purposes hereinafter appearing ;

It is hereby enacted in the Eighth Year of the Republic of India as follows :

Prefatory Note.—The Statement of Objects and Reasons as attached to the Bill is as below :

“The offices of Deputy Ministers and Parliamentary Secretaries have been declared not to disqualify the holders thereof for being chosen as, and for being, members of the U. P. State Legislature. It has been considered that the office of a Minister of State should likewise be declared not to disqualify the holder thereof for being chosen as, and for being, member of the U. P. State Legisla

The Bill is being introduced with this object in view." Vide *U. P. Gaz. Extra.*, dated April 13, 1957.

1. Short title and commencement.—(1) This Act may be called the U. P. State Legislature Members (Prevention of Disqualification) (Amendment) Act, 1957.

(2) It shall be deemed to have come into force on and from the ninth day of April, 1957.

Note.—The Act received the assent of the Governor on Sept. 3, 1957 and the English translation of the Act was published in *U. P. Gaz. Extra.* dated Sept. 3, 1957.

2. Amendment of U. P. Act XIII of 1952.—In Section 3 of the U. P. State Legislature Members (Prevention of Disqualification) (Second) Act, 1952, for the existing clause (i) the following shall be substituted :

"(i) The office of a Minister of State or a Deputy Minister of the Government of Uttar Pradesh ; or"

THE UTTAR PRADESH ENTERTAINMENT AND BETTING TAX (AMENDMENT) ACT, 1957

(U. P. Act No. XXVI OF 1957)

CONTENTS

Sections

1. Short title and commencement.
2. Amendment of Section 3 of U. P. Act No. VIII of 1937.

Sections

3. Amendment of Section 4 of U. P. Act No. VIII of 1937.

[As passed by the U. P. Legislature]

AN ACT

to amend the U. P. Entertainment and Betting Tax Act, 1937

Whereas it is expedient to amend the U. P. Entertainment and Betting Tax Act, 1937, for certain purposes ;

It is hereby enacted in the Eighth Year of the Republic of India as follows :

Prefatory Note.—The Statement of Objects and Reasons as attached to the Bill is given below :

"With a view to give effect to the decision of the Government for enhancing the rates of entertainment tax, it is proposed to amend Section 3 of the U. P. Entertainment and Betting Tax Act, 1937, for providing the new rates of entertainment tax and to express the same in terms of the decimal coinage system. As a result of this amendment certain consequential amendments are also necessary in Section 4 of the Act and are proposed to be made therein.

The Bill is accordingly being introduced with the above objects in view." Vide *U. P. Gaz. Extra.*, dated August 26, 1957.

1. Short title and commencement.—(1) This Act may be called the U. P. Entertainment and Betting Tax (Amendment) Act, 1957.

(2) It shall come into force at once.

Note.—The Act received the assent of the Governor on Sept. 19, 1957, and the English translation of the Act was published in *U. P. Gaz. Extra.*, dated Sept. 23, 1957.

2. Amendment of Section 3 of U. P. Act No. VIII of 1937.—In sub-section (1) of Section 3 of the United Provinces Entertainment and

Betting Tax Act, 1937 (hereinafter to be referred as the Principal Act), the words—

"Is two annas, but does not exceed three annas	One anna.
Exceeds three annas, but does not exceed four annas.	One anna, six pies.
Exceeds four annas, but does not exceed eight annas.	Two annas, six pies.
Exceeds eight annas, but does not exceed rupee one.	Five annas.
Exceeds rupee one, but does not exceed rupees two,	Ten annas.
Exceeds rupees two, but does not exceed rupees three.	One rupee.
Exceeds rupees three, but does not exceed rupees four.	One rupee, eight annas.
Exceeds rupees four, but does not exceed rupees five.	Two rupees, four annas.
Exceeds rupees five, but does not exceed rupees six and annas eight.	Three rupees.
Exceeds rupees six and annas eight, but does not exceed rupees ten.	Four rupees, eight annas.
Exceeds ten rupees, for every five rupees or part thereof in excess of the first ten rupees.	Three rupees in addition to the payment on the first ten rupees."

shall be deleted and the following shall be substituted therefor :

"Is 12 nP but does not exceed 19 nP	10 nP
Exceeds 19 nP but does not exceed 25 nP	15 nP
Exceeds 25 nP but does not exceed 50 nP	25 nP
Exceeds 50 nP but does not exceed Re. 1	50 nP
Exceeds Re. 1 but does not exceed Rs. 2	Re. 1
Exceeds Rs. 2 but does not exceed Rs. 3	Rs. 1'50
Exceeds Rs. 3 but does not exceed Rs. 4	Rs. 2.25
Exceeds Rs. 4 but does not exceed Rs. 5	Rs. 3'50
Exceeds Rs. 5 but does not exceed Rs. 6'50	Rs. 4'50
Exceeds Rs. 6'50 but does not exceed Rs. 10	Rs. 6'50
Exceeds Rs. 10, for every five rupees or part thereof in excess of the first ten rupees.	Rs. 4 in addition to the payment on the first ten rupees."

3. Amendment of Section 4 of U. P. Act No. VIII of 1937.—In Section 4 of the Principal Act—

(1) In sub-section (1) the words "stamped with an impressed, embossed, engraved or adhesive stamp (not before used), issued by Government for the purposes of revenue and" shall be deleted.

(2) For the existing sub-section (2) the following shall be substituted :

"(2) Government may, on such conditions as may be prescribed, require the proprietor to pay the amount of the entertainment tax due either—

(a) by stamping the tickets with an impressed, embossed, engraved or adhesive stamp (not before used), issued by the Government for the purposes of revenue and denoting that the proper entertainment tax payable under Section 3 has been paid,

or

(b) in accordance with returns of the payments for admission to the entertainment and on account of the tax,

or

(c) by a consolidated payment of a percentage, to be fixed by Government, of the gross sum received by the proprietor on account of payments for admission to the entertainment and on account of the tax,

(d) in accordance with results recorded by any mechanical contrivance which automatically registers the number of persons admitted."

(3) Sub-section (3) shall be deleted.

THE U. P. ELECTRICITY (DUTY) (AMENDMENT) ACT, 1957

(U. P. Act No. XXVII of 1957)

CONTENTS

Sections	Sections
1. Short title, extent and commencement.	2. Amendment of Section 3 of U. P. Act XXXIII of 1952.

[As passed by the U. P. Legislature]

AN ACT

to amend the U. P. Electricity (Duty) Act, 1952, for certain purposes

Whereas it is expedient to amend the U. P. Electricity (Duty) Act, 1952, for the purposes hereinafter appearing ;

It is hereby enacted in the Eighth Year of the Republic of India as follows :

Prefatory Note.—The Statement of Objects and Reasons as attached to the Bill is given below :

“The U. P. Electricity (Duty) Act, 1952, provides for the levy of duty on the consumption of electrical energy in Uttar Pradesh computed at 25 per cent of the rate charged for the consumption of energy subject to the conditions that—

- electricity duty shall not be leviable if such rate exceeds nine annas per unit,
- that if the unit charge is less than nine annas per unit the electricity duty shall be such reduced amount as will together with the unit charge not exceed nine annas, and
- in case of energy charged according to one-part tariff, duty shall not exceed one anna per unit.

In the interest of industrial development of the State it is proposed to reduce duty on the electricity consumed by industrial undertakings from 25 to 20 per cent, and in order to give some relief to domestic consumers, no duty is proposed to be levied where the rate of electricity exceeds six annas per unit as against the limit of nine annas per unit as at present.

The object of this amending Bill, therefore, is to empower Government to prescribe the rate of duty, not exceeding 25 per cent of the rate charged for the consumption of energy, from time to time by notification in the official *Gazette* and to substitute the words “six annas” for the words “nine annas” occurring in second and third provisos to Section 3 of the Act.” Vide *U. P. Gaz. Extra.*, dated August 29, 1957.

1. Short title, extent and commencement.—(1) This Act may be called the U. P. Electricity (Duty) (Amendment) Act, 1957.

(2) It extends to the whole of Uttar Pradesh.

(3) It shall come into force at once.

Note.—The Act received the assent of the Governor on Sept. 19, 1957 and the English translation of the Act was published in *U. P. Gaz. Extra.*, dated Sept. 23, 1957.

2. Amendment of Section 3 of U. P. Act XXXIII of 1952.—In Section 3 of the U. P. Electricity (Duty) Act, 1952 :

(1) Between the words and the figure “computed at” and “25 per cent” the words “a rate to be fixed by the State Government from time to time by notification in the official *Gazette* but not exceeding” shall be and be deemed to have been substituted on and from the nineteenth day of July, 1957.

(2) In the second and third provisos for the words “nine annas” the words “six annas” shall be and be deemed to have been substituted on and from the nineteenth day of July, 1957.

THE UTTAR PRADESH COURT FEES (AMENDMENT) ACT, 1957

(U. P. ACT No. XXVIII OF 1957)

CONTENTS

Sections

1. Short title, extent and commencement.
2. Definitions.
3. Amendment of Article 11 of Schedule I of Act No. VII of 1870.

Sections

4. Amendment of Article 12 of Schedule I of Act No. VII of 1870.
5. Review of proceedings.

[As passed by the U. P. Legislature]

AN ACT

further to amend the Court Fees Act, 1870, in its application to Uttar Pradesh

Whereas it is expedient further to amend the Court Fees Act, 1870, in its application to Uttar Pradesh in the manner hereinafter appearing ;

It is hereby enacted in the Eighth Year of the Republic of India as follows :

Prefatory Note.—The Statement of Objects and Reasons as attached to the Bill is as below :

“Certain discrepancies, in Articles 11 and 12 of Schedule I of the Court Fees Act, 1870, as applicable to Uttar Pradesh, were observed and these need to be removed. Article 11 of the present Schedule came into force from the twenty-second of October, 1952, and the amendment therein is being made effective from that date.” Vide *U. P. Gaz. Extra.*, dated August 31, 1957.

1. Short title, extent and commencement.—(1) This Act may be called the Uttar Pradesh Court Fees (Amendment) Act, 1957.

(2) It extends to the whole of Uttar Pradesh.

(3) It shall come into force at once.

Note.—The Act received the assent of the Governor on Sept. 29, 1957 and the English translation of the Act was published in *U. P. Gaz. Extra.*, dated Sept. 29, 1957.

2. Definitions.—In this Act—

(1) “Court Fees Act, 1870” means the Court Fees Act, 1870, as amended in its application to Uttar Pradesh ;

(2) “High Court” means the High Court of Judicature at Allahabad and includes the Lucknow Bench.

3. Amendment of Article 11 of Schedule I of Act No. VII of 1870.—For Article 11 of Schedule I of the Court Fees Act, 1870, the following shall be substituted and shall be deemed to have been substituted with effect from the twenty-second day of October, 1952 :

Number		Proper Fee
11. Probate of a will or letters of administration with or without will annexed.	(a) When the amount or value of the property in respect of which the grant of probate or letters is made exceeds one thousand rupees, but does not exceed ten thousand rupees ;	Two and a half per centum on such amount or value.
	(b) When such amount or value exceeds ten thousand rupees, but does not exceed fifty thousand rupees ;	Three and one-fourth per centum on such amount or value.

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| (c) When such amount or value exceeds fifty thousand rupees, but does not exceed one lakh rupees ; | Three and three-fourth per centum on such amount or value. |
| (d) When such amount or value exceeds one lakh of rupees, but does not exceed two lakhs of rupees ; | On one lakh of rupees the fee payable under clause (c) and on the remainder five per centum. |
| (e) When such amount or value exceeds two lakhs of rupees, but does not exceed three lakhs of rupees ; | On two lakhs of rupees the fee payable under clause (d) and on the remainder six and one-fourth per centum. |
| (f) When such amount or value exceeds three lakhs of rupees, but does not exceed four lakhs of rupees ; | On three lakhs of rupees the fee payable under clause (e) and on the remainder seven and a half per centum. |
| (g) When such amount or value exceeds four lakhs of rupees but does not exceed five lakhs of rupees ; | On four lakhs of rupees the fee payable under clause (f) and on the remainder eight and one-fourth per centum. |
| (h) When such amount or value exceeds five lakhs of rupees ; | On five lakhs of rupees the fee payable under clause (g) and on the remainder eight and three-fourth per centum. |

Provided that when, after the grant of a certificate under Part X of the Indian Succession Act, 1925, or under the Regulation of the Bombay Code, No. VIII of 1827, in respect

4. Amendment of Article 12 of Schedule I of Act No. VII of 1870.—For Article 12 of Schedule I of the Court Fees Act, 1870, the following shall be substituted :

Number	Proper Fee
12. Succession Certificate under the Indian Succession Act, 1925.	
(a) When the amount or value of the debt or security or the aggregate amount of the debts or securities to be specified under Section 374 does not exceed twenty thousand rupees ;	Two and a half per centum on such amount or value.
(b) When such amount or value exceeds twenty thousand rupees but does not exceed fifty thousand rupees ;	On twenty thousand rupees the fee payable under clause (a) and on the remainder three and one-fourth per centum.
(c) When such amount or value exceeds fifty thousand rupees but does not exceed a lakh of rupees ;	On fifty thousand the fee payable under clause (b) and on the remainder three and three-fourth per centum.

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| (d) When such amount or value exceeds one lakh of rupees but does not exceed two lakhs of rupees ; | On one lakh rupees the fee payable under clause (c) and on the remainder five per centum. |
| (e) When such amount or value exceeds two lakhs of rupees but does not exceed three lakhs of rupees ; | On two lakh rupees the fee payable under clause (d) and on the remainder six and one-fourth per centum. |
| (f) When such amount or value exceeds three lakhs of rupees but does not exceed four lakhs of rupees ; | On three lakh rupees the fee payable under clause (e) and on the remainder seven and a half per centum. |
| (g) When such amount or value exceeds four lakhs of rupees but does not exceed five lakhs of rupees ; | On four lakh rupees the fee payable under clause (f) and on the remainder eight and one-fourth per centum. |
| (h) When such amount or value exceeds five lakhs of rupees ; | On five lakh rupees the fee payable under clause (g) and on the remainder eight and three-fourth per centum. |

Provided that the fee payable in the case of an application under Section 376 of the Act shall be as worked out in the following manner :

- (i) Ascertain the aggregate amount of the debts or securities specified already in the certificate and the debts or securities to be specified on the application aforesaid.
- (ii) Calculate the fee payable on this aggregate amount in accordance with the provisions of clauses (a) to (h) above subject to the condition, however, that in respect of the amount in excess of the amount of debts or securities specified on application under Section 372 of the Act, the rates in the said clauses (a) to (h) shall respectively be deemed to be three and three-fourth per centum, four and three-fourth per centum, five and three-fourth per centum, seven and a half per centum, nine and a half per centum, eleven and one-fourth per centum, twelve and a half per centum and thirteen and one-fourth per centum.
- (iii) Out of the total amount of fee so worked out, deduct the court fee already paid for specification of debts or securities on the application under Section 372 and on the applications, if any, under Section 376 of the Act. The remainder shall be the fee payable on the application under consideration

Notes (1)—The amount of a debt is its amount, including interest on the day on which the inclusion of the debt in the certificate is applied for, so far as such amount can be ascertained.

- (2) Whether or not any powers with respect to a security specified in a certificate has been conferred under the Act ; and where such a power has been so conferred, whether the power is for the receiving of interest or dividends on, or for the negotiation or transfer of the security, or for both purpose, the value of the security is its market-value on the day on which the inclusion of the security in the certificate is applied for, so far as such value can be ascertained."

5. Review of proceedings.—(1) Where on or after the twenty-second day of October, 1952, any application for the grant of probate or letters of administration on which court fee payable under Article 11 of the Court Fees Act, 1870, as amended by this Act, has not been paid, has already been ordered to be received or recorded in the High Court, then notwithstanding anything in any law for the time being in force, the officer whose duty it is to see that any fee is paid under Chapter II of the said Act and in case of a reference having been made under Section 5 of that Act, the authority finally deciding the question of necessity of paying a fee or the amount thereof shall review its order or decision to receive or record such application and demand payment within a period to be specified such court fee on such application as he may find to be due and payable and in the meantime all further proceedings, on the application, including the grant of probate or letters of administration, shall remain stayed.

(2) In the event of default in payment of the fee demanded under sub-section (1), the application, notwithstanding the previous order to receive or record it, shall in all respects be dealt with as an application on which the requisite court fee has not been paid and if the probate or letters of administration has or have already been granted, the court fee found under sub-section (1) to be due shall on the certificate of the Chief Controlling Revenue Authority be recoverable by any Collector as if it were an arrear of land revenue.

THE U. P. MINISTERS AND MEMBERS (SALARIES AND ALLOWANCES) (AMENDMENT) ACT, 1957

(U. P. Act No. XXIX OF 1957)

CONTENTS

Sections

1. Short title and commencement.
2. Amendment of U. P. Act X of 1952.
3. Amendment of U. P. Act XII of

Sections

- 1952.
4. Amendment of U. P. Act VIII of 1956.

[As passed by the U. P. Legislature]

AN ACT

to provide for the salaries and allowances to be paid to the Ministers of State and for certain matters relating to members of the State Legislature

Whereas it is expedient to provide for the salaries and allowances to be paid to the Ministers of State and for certain matters relating to Members of the State Legislature ;

It is hereby enacted in the Eighth Year of the Republic of India as follows :

Prefatory Note.—The Statement of Objects and Reasons as attached to the Bill is given below :

“Article 164 (5) of the Constitution provides that the salaries and allowances of Ministers shall be such as the Legislature of the State may, from time to time by law determine. It is proposed that a Minister of State shall be paid a salary of Rs. 1,200 per mensem.

He shall also be entitled to such other facilities as are available to a Minister.

Opportunity has been utilized to delete Section 2-A of the U. P. Legislative Chambers (Members' Emoluments) Act, 1952. This section contained provisions for travelling allowances for journeys by members during the Session of a House. It has been considered advisable to delete this provision. Section 2-B of the said Act has been amended to make it clear that where a member is not provided with an accommodation at Government expenses he shall be entitled to a compensatory allowance at such rate as may be prescribed by rules.

The Bill is being introduced with the above objects in view.” Vide *U. P. Gazette Extra.*, dated April 25, 1957.

1. Short title and commencement.—(1) This Act may be called the U. P. Ministers and Members (Salaries and Allowances) (Amendment) Act, 1957.

(2) It shall be deemed to have come into force on and from the ninth day of April, 1957 :

Provided that the amendment made by sub-section (1) of Section 3 shall come into force from the date on which this Act is published in the *State Gazette*.

Note.—The Act received the assent of the Governor on Sept. 29, 1957 and the English translation of the Act was published in *U. P. Gaz. Extra.*, dated Oct. 8, 1957.

2. Amendment of U. P. Act X of 1952.—In the U. P. Ministers and Deputy Ministers (Salaries and Allowances) Act, 1952—

(1) in Section 2, after clause (a), the following shall be added as a new clause (aa) :

“(aa) each Minister of State for Uttar Pradesh a salary of rupees twelve hundred per mensem”;

(2) in sub-section (1) of Section 3, for the word “Minister”, the words “Minister and Minister of State” shall be substituted ;

(3) in Section 4—

(a) in sub section (1) for the word “Minister”, the words “Minister and Minister of State” shall be substituted, and

(b) in sub-section (3) for the word “Minister”, the words “Minister, Minister of State” shall be substituted.

3. Amendment of U. P. Act XII of 1952.—In the U. P. Legislative Chambers (Members' Emoluments) Act, 1952—

(1) Section 2-A shall be deleted, and

(2) for Section 2-B, the following shall be substituted :

"2-B. Free furnished accommodation for the use of members.—(a) Each member shall, without payment of rent, be entitled to the use throughout the term of his office of accommodation at Lucknow in a building declared in that behalf by the State Government; and where a residence as aforesaid is not provided, to a compensatory allowance at such rate as may be prescribed by rules.

(b) The State Government may make rules with respect to other charges arising out of use of such a building."

4. Amendment of U. P. Act VIII of 1956.—In the U. P. State Legislature Officers, Ministers, Deputy Ministers, Parliamentary Secretaries and Members (Salaries and Allowances and Miscellaneous Provisions) Act, 1956—

(1) in Section 5, after the word "Minister", a comma and the words "Minister of State" shall be inserted; and

(2) in Section 11, after the word "Minister", wherever occurring, a comma and the words "Minister of State" shall be added.

THE INDIAN DIVORCE (U. P. AMENDMENT) ACT, 1957

(U. P. ACT No. XXX OF 1957)

CONTENTS

Sections

1. Short title and commencement.
2. Amendment of Act IV of 1869 in its application to Uttar Pradesh.

Sections

3. Savings.
- SCHEDULE

[As passed by the U. P. Legislature]

AN ACT

to amend the Indian Divorce Act, 1869, in its application to Uttar Pradesh for certain purposes

Whereas it is expedient to amend the Indian Divorce Act, 1869, in its application to Uttar Pradesh, for the purposes hereinafter appearing;

It is hereby enacted in the Eighth Year of the Republic of India as follows:

Prefatory Note.—The Statement of Objects and Reasons as attached to the Bill is given below:

"The U. P. Judicial Reforms Committee, appointed by this Government under the Chairmanship of Mr. Justice K. N. Wanchoo had recommended that concurrent jurisdiction of the High Court and the District Courts in matters relating to the Indian Divorce Act be done away with and powers under the said Act may be conferred exclusively on the District Courts, and the District Judges should also have the power of passing a final decree, and proceedings need not be submitted to the High Court for confirmation.

It is, therefore, proposed to amend various sections and the Schedule of the Indian Divorce Act, in order to do away with the concurrent jurisdiction of the High Court and the District Judges.

At present there is no provision for appeal against the decree of the District Judge in the Indian Divorce Act because it has to be submitted to the High Court for confirmation. Since the concurrent jurisdiction of the High Court and the District Judges is proposed to be abolished, the proviso to Section 55 of the Indian Divorce Act is proposed to be omitted and by doing so all decrees and orders made by any court in any suit or proceedings under this Act will be appealable in like manner as the decrees and orders of the courts made in the exercise of their original civil jurisdiction.

The Indian Divorce (U. P. Amendment) Bill, 1957, is introduced accordingly for the consideration of the House." Vide *U. P. Gaz. Extra.* dated Oct. 21, 1957.

1. Short title and commencement.—(1) This Act may be called the Indian Divorce (U. P. Amendment) Act, 1957.

(2) It shall come into force at once.

Note.—The Act received the assent of the President on Oct. 15, 1957 and the English translation of the Act was published in *U. P. Gaz. Extra.*, dated Oct. 21, 1957.

2. Amendment of Act IV of 1869 in its application to Uttar Pradesh.—In its application to Uttar Pradesh, the Indian Divorce Act, 1869, shall be and is hereby amended to the extent mentioned in column 3 of the Schedule.

3. Savings.—Any amendment made by this Act shall not affect the validity, invalidity, effect or consequence of any thing already done or suffered or any jurisdiction already exercised, and any proceedings instituted or commenced in any Court prior to the commencement of this Act shall, notwithstanding any amendment herein made, continue to be heard and decided by such Court as if this Act had not been passed.

SCHEDULE

Serial no.	Section of the Principal Act	Amendment
1	2	3
1	10	The words "or to the High Court" wherever occurring in this section, shall be omitted.
2	13	The last paragraph, namely, "when a petition is dismissed by a District Court under this section, the petitioner, may, nevertheless, present a similar petition to the High Court." shall be omitted.
3	16	(1) In the first paragraph the words "made by a High Court, not being a confirmation of a decree of a District Court" and "or special" shall be omitted. (2) In the second paragraph the words "or special" occurring between the words "general" and "order", shall be omitted. (3) In the fourth and fifth paragraphs for the words "High Court", the word "Court" shall be substituted.
4	17	(1) Paragraphs one to five shall be omitted. (2) In paragraph six the words "or special" occurring between the words "general" and "order", shall be omitted.
5	18	For the words "District or to the High Court", the words "District Court" shall be substituted.
6	19	In the last paragraph for the words "High Court" the word "Court" shall be substituted.
7	20	This section shall be deleted.
8	23, 27, 32 and 34.	The words "or the High Court" shall be omitted.

Serial no.	Section of the Principal Act	Amendment
1	2	3
9	37	(1) For the words "High Court" the word "Court" shall be substituted. (2) The second paragraph namely, "and the District Judge may, if he thinks fit, on the confirmation of any decree of his declaring a marriage to be dissolved, or on any decree of judicial separation obtained by the wife," shall be omitted.
10	40	(1) For the words "High Court" the word "Court" shall be substituted. (2) The second paragraph, namely, "and the District Court, after its decree for dissolution of marriage or of nullity of marriage has been confirmed," shall be omitted.
11	43	(1) In the first paragraph the words "instituted in, or removed to a High Court" shall be omitted. (2) The second paragraph shall be omitted. (3) In the third paragraph for the words "High Court or District Court (as the case may be)" the words "Court" shall be substituted.
12	44	(1) In the first paragraph for the words "High Court", the word "Court" shall be substituted. (2) The second paragraph, <i>i. e.</i> the words "and the District Court, after a decree for dissolution of marriage or of nullity of marriage has been confirmed," shall be omitted.
13	50	For the words "High Court by general or special order from time to time directs", the words "Court may direct" shall be substituted.
14 and 15	55	(1) The first proviso shall be omitted. (2) In the second proviso, the word "also" shall be omitted.
16	57	For the existing section, the following shall be substituted : "57. Liberties to parties to marry again. —When six months after the date of any decree absolute dissolving a marriage have expired, and no appeal has been presented against such decree, or when any such appeal has been dismissed, or when in the result of any such appeal any marriage is declared to be dissolved, but not sooner, it shall be lawful for the respective parties to the marriage to marry again, as if the prior marriage had been dissolved by death."

Serial no.	Section of the Principal Act	Amendment
1	2	3
17	Schedule of forms	<p>(1) In Form no. 1—</p> <p>(i) the word and the (brackets “High”) and “(or to the Judge of)” and the words “To the Hon’ble Mr. Justice” shall be omitted ;</p> <p>(ii) the word and brackets “(Hon’ble)” wherever occurring, shall be omitted.</p> <p>(2) In Form no. 2 the word and the brackets “(Hon’ble)” shall be omitted.</p> <p>(3) In Form no. 3, the words and brackets “(High)” and “(Hon’ble)” shall be omitted.</p> <p>(4) In Form nos. 4 and 5, the words and the brackets “(High)”, “(or To the Judge of),” and “(Hon’ble)” and the words “To the Hon’ble Mr. Justice” shall be omitted.</p> <p>(5) In Form no. 6, the words and the brackets “(High)” and “(Hon’ble)” shall be omitted.</p> <p>(6) In Form no. 7, the word and the brackets “(High)” shall be omitted.</p> <p>(7) In Form no. 8, the words and the brackets “(High)”, “(Hon’ble)” and “(or To the Judge of)” and the words “To the Hon’ble Mr. Justice” shall be omitted.</p> <p>(8) In Form no. 9, the word and the brackets “(High)” shall be omitted.</p> <p>(9) In Form no. 10, the words and the brackets “(High)” “(or To the Judge of)” and “(Hon’ble)” and the words “To the Hon’ble Mr. Justice” shall be omitted.</p> <p>(10) In Form no. 11, the words and the brackets “(High)” and “(or To the Judge of)” and the words “To the Hon’ble Mr. Justice,” shall be omitted.</p> <p>(11) In Form no. 12, the words and the brackets “(High)” “(or To the Judge of)” and “(Hon’ble)” and the words “To the Hon’ble Mr. Justice” shall be omitted.</p> <p>(12) In Form nos. 13 and 14, the words and brackets “(High)” shall be omitted.</p>

THE U. P. LARGE LAND HOLDINGS TAX ACT, 1957

(U. P. Act XXXI of 1957)

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SCHEDULE

[As passed by the U. P. Legislature]

AN ACT

to provide for the imposition and collection of a tax on large land holdings

Whereas it is expedient to provide for the imposition and collection of a tax on large land holdings;

It is hereby enacted in the Eighth Year of the Republic India as follows :

Prefatory Note.—The Statement of Objects and Reasons as attached to the Bill is as below :

"For securing successful implementation of the Second Five-Year Plan, it has become necessary to augment the revenues of the State. The Agricultural Income Tax Act, which was enacted at a time when zamindari system was in force, has become out of date in the context of post zamindari abolition era. The principle of social justice enshrined in our Constitution also demands that disparities between agricultural incomes be reduced. More efficient exploitation of agricultural lands is essential for increasing the food production in the State. Those big holders who do not fulfil this duty towards society will have to sell up, as they should, if they fail in making increased contribution to the exchequer in the form of holdings tax under this legislation. With these objects in view, the agricultural Income Tax Act, 1948, is being repealed and this Bill is being introduced.

2. The Bill seeks to levy a holders tax on all land holdings the annual value of which exceeds Rs. 3,600. A cultivator who does not cultivate more than 30 acres of land would be exempt from this tax. The Bill is so designed as not to affect the small cultivator. It is proposed to levy the tax on a graduated scale so that the larger the holding, the greater the incidence of the tax." vide *U. P. Gazette Extra* dated September 9, 1957.

CHAPTER I

Preliminary

1. Short title, extent and commencement.—(1) This Act may be called the U. P. Large Land Holdings Tax Act, 1957.

(2) It extends to the whole of Uttar Pradesh.

(3) It shall be deemed to have come into force on the first day of July, 1957.

Note.—The Act received the assent of the Governor on Oct. 30, 1957 and the English translation of the Act was published in *U. P. Gazette Extra.* dated Nov. 1, 1957.

2. Definition.—In this Act unless there is anything repugnant in the subject or context—

(1) “land holding” shall have the meaning assigned to it in Section 4 ;

(2) “annual value” shall have the meaning assigned to it in Section 5 ;

(3) “assessee” means the land-holder by whom holding tax is payable and, in the case of his death, includes his legal representative ;

(4) “assessing authority” shall have the meaning assigned to it in Section 6 ;

(5) “Assistant Collector of the First Class” shall have the meaning assigned to it in the U. P. Land Revenue Act, 1901 ;

(6) “Collector” includes an Additional Collector ;

(7) “Commissioner” includes an Additional Commissioner ;

(8) “company” means a company as defined in the Indian Income Tax Act, 1922 ;

(9) “co-operative farm” means a co-operative farm to which the provisions of Chapter XI of the U. P. Zamindari Abolition and Land Reforms Act, 1950, are applicable ;

(10) “co-operative society” means a co-operative society registered under the Co-operative Societies Act, 1912 and includes a co-operative farm ;

(11) “firm” has the meaning assigned to it in the Indian Partnership Act, 1932 ;

(12) “*hissedar*” shall have the meaning assigned to it in the existing law relating to land tenure in force in Kumaun Division and includes *guzaredars* of Pargana Askot and holders of fee simple estates ;

(13) “holding tax” shall have the meaning assigned to it in Section 3 ;

(14) “intermediary” means a proprietor, under-proprietor, a sub-proprietor, a *thekedar*, a permanent lessee in Oudh, a permanent tenure-holder and a *hissedar* ;

(15) “land” means land, whether assessed to land revenue or not, which is held or occupied for a purpose connected with agriculture, horticulture, animal husbandry, pisciculture or poultry farming and includes uncultivated land held by a land-holder as such ;

(16) “land holder” means—

(i) an intermediary, where the land is in his personal cultivation or is held as *sir*, *khudkasht*, or grove, and

(ii) any other person who holds or occupies land otherwise than as—

(a) an *asami*,

(b) a sub-tenant,

(c) a tenant of *sir*, or

(d) a *sirtan*,

and includes a manager or a principal officer, as the case may be ;

Explanation.—In this clause *asami* does not include an *asami* of Goan Samaj ;

(17) “legal representative” shall have the meaning assigned to it in the Code of Civil Procedure, 1908 ;

(18) “principal officer” used with reference to any company or association means—

(i) the secretary, treasurer, manager or agent of the company or association, or

(ii) any person connected with the company or association upon whom the assessing authority has served notice of his intention of treating him as principal officer thereof ;

(19) “prescribed” means prescribed by rules made under this Act ;

(20) “*sirtan*” shall have the meaning assigned to it in the law relating to land tenure in force in Kumaun Division ;

(21) “State Government” means the Government of Uttar Pradesh ;

(22) “Sub-divisional Officer” means the Assistant Collector of the First Class in charge of a sub-division appointed under the U. P. Land Revenue Act, 1901 and includes any other Assistant Collector of the First Class specified as such by the Collector for the purposes of this Act ;

(23) the expressions “agricultural year”, “grove”, “*khudkash*” “permanent tenure-holder”, “permanent lessee in Oudh”, “proprietor” “sanctioned hereditary rates”, “sub-tenant”, “sub-proprietor”, “*thekedar*” and “under-proprietor” shall have the meaning assigned to them in the U. P. Tenancy Act, 1939, and

(24) the expression “*asami*” and “*Gaon Samaj*” shall have the meaning to assigned them in the U. P. Zamindari Abolition and Land Reforms Act, 1950.

CHAPTER II

Imposition of Holding Tax

3. Charge of Holding Tax.—(1) There shall, save as hereinafter provided, be charged, levied and paid, for each agricultural year, on the annual value of each land holding, a tax, hereinafter called the “Holding Tax” at the rates specified in the Schedule :

Provided that no such tax shall be charged on any land holding the area whereof does not exceed thirty acres ;

(2) The State Government may, by notification in the official *Gazette*, exempt or remit in whole or in part, for such period as it may think fit and as often as it may consider necessary, the holding tax chargeable under subsection (1) in respect of any class or classes of land holdings as may be prescribed.

(3) For the purposes of computing the area of land under the proviso to subsection (1) the land covered by building with the area appurtenant thereto, but not exceeding five acres shall be excluded.

4. Land Holding.—(1) For the purposes of this Act, “land holding” means the aggregate of all land held or occupied on the first day of July each year by a land-holder, whether in his own name or in the name of any member of his family, and all such land shall be deemed to form part of the land holding of such land-holder :

Provided that the land held or occupied by a member of the family of the land-holder, shall not form part of the holding of such land-holder, if the same is managed and cultivated separately.

Explanation I.—For the purposes of this section a family shall include—

- (a) mother ;
- (b) wife ;
- (c) unmarried daughter, or son's daughter ;
- (d) son, or son's son or son's son's son ;
- (e) son's wife or son's son's wife.

Explanation II.—Land held by an incorporated association, other than a co-operative society, but including a society or an association registered under the Societies Registration Act, 1850, or a company or firm, shall be deemed to be one land holding.

(2) Subject to the provisions of sub-section (1), where land is held or occupied by two or more persons or a co-operative society, the share in the land of such person or a member of co-operative society shall, for the purpose of this Act, be deemed to have been held separately and shall form part of the land holding of such person or a member, as the case may be.

Explanation —In the case of a co-operative farm the expression "share in land" shall mean the land contributed to the farm by or on behalf of a member thereof.

5. Annual value.—(1) For the purposes of this Act, annual value of a land holding shall be deemed to be an amount equal to the rent payable for the land or lands included therein multiplied by such multiple not exceeding twelve and a half as may be prescribed and different multiples may be prescribed for different districts or portions of districts or for different classes of lands included in a land holding.

(2) For the purposes of sub-section (1) the rent payable shall be deemed to be an amount calculated at the sanctioned hereditary rates applicable to the land or lands included in the land holding and where there are no sanctioned hereditary rates, on such principles as may be prescribed :

Provided that the State Government may, where such rates were sanctioned prior to the first day of July, 1927, enhance the rates by such percentage not exceeding fifty as may be specified by notification in the official *Gazette* and different percentages may be specified for different classes of lands and for different areas of Uttar Pradesh.

CHAPTER III

Assessment of Holding Tax

6. Assessing authority.—(1) For the purpose of this Act the assessing authority shall, subject to the provisions of sub-section (2), be the Sub-divisional Officer within whose jurisdiction the land-holder ordinarily resides :

Provided that the State Government may direct that any Assistant Collector of the First Class specified by it in this behalf shall exercise in the whole of the district or any part thereof all or any of the powers conferred on the assessing authority under this Act to the exclusion of any other assessing authority :

Provided further that where the land-holder does not ordinarily reside in Uttar Pradesh, the assessing authority shall be the Sub-Divisional Officer or the Assistant Collector, exercising jurisdiction within the sub-division, as the case may be, within whose jurisdiction the land-holding is situate, and where the holding is situate in more than one district or sub-division, any such one of the Sub-Divisional Officers or the Assistant Collectors, as the case may be, according as the land-holder may in the manner prescribed exercise his option and the option so exercised shall not be changed except with the previous permission of such authority as may be prescribed :

Provided also that where the option as aforesaid is not exercised or where a question is raised as to the assessing authority which should exercise the jurisdiction, the matter shall be referred to such authority as may be prescribed for its decision which shall be final.

(2) Where the land-holder desires that the assessment should take place in a sub-division other than the one in which he ordinarily resides, he shall apply for such permission—

(i) if the sub-division in which he resides and the sub-division in which he desires assessment are in the same district, to the Collector of the district, and

(ii) in other case to such authority as may be prescribed.

(3) The permission applied for under sub-section (2) may be granted if the authority to whom the application is made considers that it will help in the convenient and speedy disposal of the assessment.

(4) The assessing authority shall exercise such powers and perform such duties as are conferred on him by this Act or the rules made thereunder.

7. Notice regarding return of land holdings.—(1) The Collector shall, on or before such date in each agricultural year, as may be prescribed, publish a notice requiring every land-holder who is liable to pay holding tax to furnish to such assessing authority and within such period not being more than thirty days as may be specified in the notice, a return verified in the prescribed manner, setting forth the area and other particulars of all land held by him as such.

(2) A notice may also be served in such manner, as may be prescribed, on every such land-holder who, in the opinion of the assessing authority, is liable to the payment of holding tax requiring him to furnish within such period not being less than thirty days as may be specified in the notice, a return in the prescribed form and verified in the prescribed manner. Along with the notice the assessing authority shall also send a statement showing the provisional estimates of the annual valuation of the land holding of such person and the tax payable by him. The estimates shall be prepared in such form and shall contain such particulars as may be prescribed :

Provided that the assessing authority may, in his discretion, extend for a period not exceeding thirty days, the date for the filing of the return.

(3) Where the land-holder to whom the provisions of second proviso to sub-section (1) of Section 6 are applicable files a return in pursuance of the notice under sub-section (1) or (2) he shall, along with the return, also file a declaration indicating his choice of the assessing authority in terms of the proviso aforesaid.

(4) Where the notice served under sub-section (2) is subsequently discovered to be defective and it becomes necessary to serve a fresh notice, the

same may still be served notwithstanding that the agricultural year may have expired provided that the former was served in time and a period of three years has not elapsed since then.

8. Assessments.—(1) Where the assessing authority is satisfied that the return made under Section 7 is correct and complete he shall determine the annual valuation of the land holding and shall assess the holding tax chargeable thereon on the basis of such return.

(2) Where the assessing authority has reason to believe that the return made under Section 7 is incorrect or incomplete, he shall require the landholder who made the return either to attend at the office of the assessing authority or to produce or cause to be produced any evidence in support of the return on such date as may be fixed.

(3) On the date fixed under sub-section (2) or as soon afterwards as may be, the assessing authority, shall after considering such evidence as such person may produce and such further evidence as the assessing authority may require, determine the annual valuation of the land holding and assess the holding tax chargeable thereon.

(4) Where any person fails to make a return under Section 7, or, having made the return, fails to comply with the provisions of sub-section (2) or (3) the assessing authority shall make the assessment to the best of his judgment with due regard to the estimates sent under sub-section (2) of Section 7.

9. Application of the provisions of this Chapter to a legal representative.—Where a land-holder dies before the assessment has been completed under Section 8, the assessing authority may in the manner prescribed, serve a notice on his legal representative and the provisions of this Chapter shall thereafter apply as if such legal representative were the deceased land-holder.

10. Notice of demand.—When the assessment has been made under Section 8, the assessing authority shall serve on the assessee a notice of demand in the prescribed form specifying the amount of holding tax payable by the assessee and the date or dates within which it shall be paid. A copy of the order of assessment shall also be sent along with the notice.

11. Appeal against assessment of holding tax.—(1) Any assessee aggrieved by an order of the assessing authority as respects the amount or rate at which the land holding has been assessed under Section 8 or as respects the liability of the land holding to be assessed under this Act may, within thirty days of the date of receipt of the notice of demand under Section 10, appeal to the Commissioner.

(2) The Commissioner may admit appeal after the expiry of the period of thirty days referred to in sub-section (1) if he is satisfied that there was sufficient cause for not presenting it within that period.

(3) Every appeal under this section shall be presented and verified in the prescribed manner.

(4) The Commissioner may pass such orders on the appeal as he thinks fit and shall send a copy of such orders to the appellant, the assessing authority and such other authority as may be prescribed :

Provided that no enhancement of the holding tax shall be made under this section unless the appellant has had a reasonable opportunity of showing cause against such enhancement.

12. Revision.—(1) The Board of Revenue may, on their own motion or on an application, call for the record of any proceeding of the assessing authority or the appellate authority by whom the case or appeal was decided if it appears to have exercised jurisdiction not vested in it by law or to have acted in the exercise of its jurisdiction illegally or with substantial irregularity, and may pass such order in the case as they think fit :

Provided that no such application shall be entertained in any case where an appeal lay against the order but the applicant failed to prefer it within the time prescribed therefor :

Provided further that the Board of Revenue shall not pass any order prejudicial to any party without giving him a reasonable opportunity of being heard.

(2) The application under sub-section (1) shall be made within one year from the date of the receipt of the order complained of, but the Board of Revenue may on proof of sufficient cause entertain an application within a further period not exceeding six months.

13. Order of the Board to be final.—Any order passed by the Board of Revenue under Section 12 shall be final. A copy of every such order shall be sent to the assessee, the assessing authority and such other authority as may be prescribed.

14. Procedure in revision.—In the exercise of its jurisdiction under Section 12, the Board of Revenue shall, as far as may be, follow the procedure laid down by or under the U. P. Land Revenue Act, 1901, and the provisions of Section 8 of the said Act shall *mutatis mutandis* apply as if a proceeding under Section 12 were a judicial proceeding under the said Act :

Provided that where members of the Board of Revenue are equally divided as to any order to be made in revision, the matter shall be referred for decision to a third member.

15. Land holding escaping assessment.—If for any reason any land holding chargeable to holding tax has escaped assessment for any year or has been assessed at too low a rate, the assessing authority may, at any time within three years of the expiry of that year, serve, on the land-holder liable to pay the tax chargeable on such land holding, a notice containing all or any of the requirements which may be included in a notice under Section 7 and upon the service of such notice, the provisions of this Act shall, so far as may be, apply as if the notice were a notice issued under that section :

Provided that the tax shall be charged at the rate at which it would have been charged if such holding had not escaped assessment or full assessment, as the case may be.

16. Rectification of mistake.—(1) Any authority which passed an order of assessment or an order in appeal or revision as the case may be, may, on its own motion or an application by either party at any time within one year from the date of such order, rectify any mistake apparent on the face of the record of the assessment, appeal or revision as the case may be :

Provided that no such rectification shall be made without giving a reasonable opportunity of being heard to either party.

(2) Where any such rectification has the effect of reducing the assessment, the authority concerned shall order refund of the excess amount to the assessee.

(3) An order under sub-section (1) which has the effect of enhancing the assessment, shall be deemed to be an order passed under Section 8, 11, or 12, as the case may be, and the provisions of this Act shall, in so far as may be applicable, apply to such order.

CHAPTER IV

Payment of Holding Tax

17. Liability for payment of holding tax.—The holding tax chargeable on a land holding under Section 3 shall be payable by the land-holder:

Provided that the holding tax payable by the land-holder in respect of his share in land held by a Co-operative Society shall be payable and be realized from the Co-operative Society as if it were an assessee.

18. Tax of deceased land-holder payable by legal representatives.—Where landholder dies, his legal representatives shall be liable to pay, out of the estate of the deceased to the extent to which the estate is capable of meeting the charge, the holding tax assessed as payable by the deceased land-holder, or any holding tax which would have been payable by him under this Act if he had not died.

19. Tax how payable.—(1) The amount of holding tax specified in any notice of demand under Section 10 or in any order communicated under Section 11 or 12 shall be payable in four equal instalments.

(2) The first instalment shall be paid within two months of the service of the notice of demand or communication of the order, as the case may be, and the subsequent instalments within such period from the due date of the first instalment as may be prescribed.

(3) If any instalment is not paid within the time allowed under sub-section (2), the assessee shall be in default :

Provided that when an assessee has presented an appeal under Section 11, or an application for revision under Section 12, the appellate or the revising authority, as the case may be, on application may, on such terms and conditions as it may specify, direct that the assessee shall be treated as not being in default.

CHAPTER V

Miscellaneous

20. Power to take evidence on oath.—The assessing, appellate and revising authorities shall, for the purposes of this Act, have the same powers as are vested in a Court under the Code of Civil Procedure, 1908, when trying a suit, in respect of the following matters, namely—

(a) enforcing the attendance of any person and examining him on oath or affirmation,

(b) compelling the production of any document, and

(c) issuing commission for the examination of any witness,

and any such proceeding before such authority under this Act shall be deemed to be a "judicial proceeding" within the meaning of Sections 193 and 228 of the Indian Penal Code and also for the purposes of Section 196 of the said Code.

21. Penalty for default in payment of tax.—(1) When an assessee is in default in making payment of any instalment of the holding tax, the assessing authority may, in its discretion, direct that, in addition to the amount of the arrears, a sum not exceeding one-eighth of that amount shall be recovered from the assessee by way of penalty.

(2) A notice of demand showing the amount of penalty shall in the manner prescribed be served on the assessee.

22. Appeal against penalty.—Any assessee objecting to the amount of penalty imposed upon him under Section 21 or denying any liability for such penalty may, within 30 days of the date of receipt of the notice of demand under the said section, appeal to the Commissioner and the provisions of sub-sections (2) to (4) of Section 11 shall thereupon *mutatis mutandis* apply :

Provided that where on an appeal under Section 11 or on an application for revision under Section 12 the assessment made under Section 8 has been set aside or the amount of holding tax has been reduced, the penalty imposed under Section 21 shall be deemed to have been written off or reduced proportionately, as the case may be.

23. Recovery of sum payable under this Act.—(1) The Collector may, on the motion of the assessing authority, recover—

(a) where the assessee is in default, the amount assessed as holding tax, and

(b) any sum imposed by way of penalty under Section 21,
as if it were an arrear of land revenue :

Provided that the processes mentioned in clauses (c), (e), (f) or (h) of Section 146 of the U. P. Land Revenue Act, 1901, or those mentioned in clauses (c) and (f) of Section 279 of the U. P. Zamindari Abolition and Land Reforms Act, 1950, shall be issued only after the other processes mentioned in the said sections of the said Acts have been exhausted.

(2) No proceeding for the recovery of any sum payable under this Act shall be commenced after the expiration of two years from the date on which it fell due :

Provided that the period of two years herein referred to shall—

(i) where an assessee has been treated as not being in default under proviso to sub-section (3) of Section 19 as long as his appeal or revision is undisposed of, be reckoned from the date on which the appeal or revision is disposed of ;

(ii) where recovery proceedings in any case have been stayed by an order of a court or any other authority, be reckoned from the date on which the order is withdrawn ; and

(iii) where the date of payment of holding tax has been extended by any authority, be reckoned from the date up to which the time for payment had been extended.

24. Bar of suit in Civil Courts.—No suit shall be brought in any civil court to set aside or modify any assessment made under this Act, and no prosecution, suit or other proceeding shall lie against any Officer or the State Government for anything done or intended to be done under this Act in good faith.

25. Delegation of powers.—The State Government may, by notification in the official *Gazette*, delegate to any officer or authority, any of the

powers conferred on it by this Act to be exercised subject to any restrictions or conditions as may be specified in the notification.

26. Appearance by authorized representative.—Any land-holder, who is entitled or required to attend before any authority in connexion with any proceeding under this Act, may attend either in person or through a duly authorized agent.

27. Service of notice.—A notice or requisition under this Act may be served on the person therein named either by post or as if it were a summons issued by a court under the Code of Civil Procedure, 1908.

28. Repeal.—(1) With effect from the date this Act comes into force the U. P. Agricultural Income Tax Act, 1948, shall stand repealed.

(2) Notwithstanding anything contained in the U. P. General Clauses Act 1904, the repeal under sub-section (1) shall not—

- (a) affect the previous operation of the Act so repealed or anything done or suffered thereunder ; or
- (b) affect any right, privilege, obligation or liability acquired, accrued or incurred under the Act so repealed ; or
- (c) affect any penalty, forfeiture or punishment incurred in respect of any offence committed against the Act so repealed ; or
- (d) affect any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid ;

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed as if this Act had not been passed,

29. Power to make rules.—(1) The State Government may, by notification in the official *Gazette*, and subject to the condition of previous publication, make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing powers, such rules may provide for all or any of the following matters, namely—

- (a) the principles on which and the manner in which tax may be exempted or remitted under Section 3 ;
- (b) the principles on which and the manner in which the sanctioned hereditary rates may be enhanced under Section 5 ;
- (c) the form of the return to be furnished under Section 7 and the manner in which it shall be filed ;
- (d) the form of declaration to be filed under sub-section (3) of Section 7 ;
- (e) the procedure relating to assessment under Section 8 ;
- (f) the manner in which and the principles on which the tax payable by the co-operative society under the proviso to Section 17 shall be determined ;

- (g) the form of notices required to be issued under the provisions of this Act and the manner of their publication ;
 - (h) the procedure to be followed in appeals, revisions and other proceedings under this Act, in cases for which no specific provision has been made herein ;
 - (i) the time within which applications may be presented under this Act, in cases for which no specific provision in that behalf has been made herein ;
 - (j) the fees to be paid in respect of appeals and applications under this Act, in cases for which no specific provision in that behalf has been made herein ;
 - (k) the procedure and the form for the maintenance of books of accounts and other registers, returns and statements required for the purposes of this Act ;
 - (l) the duties of any officer or authority having jurisdiction under this Act, the procedure to be followed by such officer and authority, in cases for which no specific provision has been made herein ;
 - (m) the transfer of proceedings from one authority or officer to another ; and
 - (n) the matters which are to be and may be prescribed under this Act.
- (3) All rules made under this Act shall be laid for not less than 14 days before the State Legislature as soon as they are made and shall be subject to such modifications as the Legislature may make during the Session in which they are so laid.

SCHEDULE

(See Section 3)

Rate of Holding Tax

1. One the first Rs. 1,800 of annual valuation ... Nil.
2. On the next Rs. 3,200 of annual valuation .. 5 Naye Paise in a rupee.
3. On the next Rs. 5,000 of annual valuation .. 10 Naye Paise in a rupee.
4. On the next Rs. 10,000 of annual valuation .. 25 Naye Paise in a rupee.
5. On the next Rs. 10,000 of annual valuation .. 40 Naye Paise in a rupee.
6. On the balance of annual valuation .. 60 Naye Paise in a rupee.

These rates are subject to the conditions that—

- (a) no holding tax shall be payable where the annual valuation does not exceed Rs. 3,600, and
- (b) where the annual valuation does not exceed Rs. 5,000 the holding tax payable shall not exceed half the amount by which the annual valuation exceeds Rs. 3,600.

RULES

LARGE LAND HOLDINGS TAX RULES MADE UNDER THE UTTAR PRADESH LARGE LAND HOLDINGS TAX ACT, 1957

(ACT No. XXXI OF 1957)

Notification No. 7273/IC—405-C-1957, dated Lucknow, November 23, 1957, published in *U. P. Gaz. Extra.*, dated Nov. 23, 1957

In continuation of notification No. 6706/IC—405-C-1957, dated November 1, 1957 and in exercise of the powers conferred by Section 29 of the Uttar Pradesh Large Land Holdings Tax Act, 1957 (U. P. Act No. XXXI of 1957), the Governor is pleased to make the following U. P. Large Land Holdings Tax Rules, 1957, the same having been previously published, as required by Section 29 (1) of the aforesaid Act.

CHAPTER I

1. **Short title, extent and commencement.**—(a) These rules may be called the Uttar Pradesh Large Land Holdings Tax Rules, 1957.

(b) They shall apply to the whole of Uttar Pradesh and shall come into force at once.

2. **Definitions.**—In these rules unless there is anything repugnant in the subject or context—

(a) “Act” means the Uttar Pradesh Large Land Holdings Tax Act, 1957.

(b) “Section” means section of the Act.

(c) “Sarvodaya Mandal” means an association of all the residents of a village holding the entire land thereof for the collective benefit of the members in accordance with the movement of Acharya Vinoba Bhave.

CHAPTER II

3. **Determination of annual value—Section “5” sub-section (2).**—For the purposes of sub-section (2) of Section 5 where there are no sanctioned hereditary rates, the rent-rates applicable shall be determined in accordance with the principles contained in Sections 103 to 106 of U. P. Tenancy Act, 1939 (U. P. Act XVII of 1939).

Note.—Sections 103 to 106 of the U. P. Tenancy Act are reproduced in Appendix I.

4. (i) **Section “5”, sub-section (1).**—For the purposes of computing the annual value of his land holding the landholder shall enter in Annexure “A” to Form L. L. H. T.-3, the details of land in respect of which the rent payable is to be determined village-wise and the same shall be determined by multiplying the total area of each class of soil with the sanctioned hereditary rates for such class of soil.

(ii) Where the sanctioned hereditary rates have been raised in terms of proviso to sub-section (2) of Section 5, the increased percentage shall also be taken into consideration while determining the rent payable.

(iii) The land of the land-holder’s—

(a) mother,

- (b) wife,
- (c) unmarried daughter, or son's daughter,
- (d) son, son's son or son's son's son,
- (e) son's wife or son's son's wife,

shall also be shown in Annexure "B" to Form L. L. H. T.-3 by the

(iv) The total annual value of land of an assessee shall be determined by multiplying the rent payable determined under sub-rules (i) and (ii) above by the multiple for the area concerned as fixed in Appendix II to these rules.

5. Sub-section (2) of Section 3.—(1) Where there is included in the total annual value of an assessee's land holding, annual value of the land holding or part thereof exempted from holding tax by or under the provisions of the Act, the holding tax payable by the assessee shall be an amount bearing same proportion to the total amount of the holding tax which would have been payable on the total annual value had no part of it been exempted as the unexempted portion of the total annual value bears to the total annual value.

(2) Any land holding held under trust or other obligation wholly for religious or charitable purposes recorded as such in the name of *waqf*, trust or endowment, shall be exempt from the holding tax.

The term "religious purposes" and "charitable purposes" shall have the same meaning as have been assigned to them under the U. P. Zamindari Abolition and Land Reforms Act, 1950 (Act I of 1951).

(3) An area of a land holding which is permanently utilized as threshing floor, shall be exempt from the holding tax, subject to the maximum of one acre, provided that no crop is grown thereon.

(4) An area of a land holding which is exclusively used as a burial ground, shall be exempt from the holding tax, subject to a maximum of half an acre.

(5) An area of a land holding permanently covered by water and which cannot be used for growing any crops, whatsoever, shall be exempt from the holding tax, provided it is not utilized for purposes connected with pisciculture.

(6) An area of a land holding covered by permanent farm roads, which are not less than 10 feet in width and are used for vehicular traffic throughout the year, shall be exempt from the holding tax.

(7) An area of a land holding under *nala*-beds shall be exempt from the holding tax provided the *nala* is shown in the village map or is recorded as such in the village papers and is not used for purposes connected with agriculture.

(8) An area of a land holding which has been washed off by diluvial action of a river, shall be exempt from the holding tax.

(9) An area of a land holding which is affected by any natural calamity of Class I specified in rule 292-A of the Zamindari Abolition and Land Reforms Rules or paragraphs 156—58 of the Manual of Orders of the Uttar Pradesh Government in the Revenue Department, shall be exempt from the holding tax, for the period such a calamity lasts.

(10) Any area of a land holding which has been planted with groves of timber trees, specified in explanation to rule 202 of the Zamindari Aboli-

tion and Land Reforms Rules, before the 1st day of July, 1957, shall be exempt from the holding tax, provided that the area of the grove-land does not exceed one-fourth of the total area of the land holding of the landholder.

(11) Where an assessee wants to avail of any of the exemptions mentioned in sub-rules (2) to (10), he shall file an application for the purpose along with his return of total annual value in Form L. L. H. T.-3.

6. Sub-section (2) of Section 3.—Where any land holding or part thereof is affected by a natural calamity of Class II specified in rule 292-A of the Zamindari Abolition and Land Reforms Rules or paragraph 156 of the Manual of Orders of the Uttar Pradesh Government in the Revenue Department and remission in land revenue has been granted under rule 293 of the said Rules or in rent under paragraph 179 of the said Manual, a proportionate remission in the holding tax shall be allowed by the assessing authority on the application of the assessee :

Provided that where an assessee possesses land holding of 100 or more acres, he shall immediately after the occurrence of the calamity, apply in writing to the Sub-Divisional Officer or the Tahsildar for making a personal inspection of the loss and for grant of a certificate about the extent of loss. This certificate shall be filed along with the application that the assessee makes to the Collector for the grant of remission.

7. Sub-section (2) of Section 3.—The holding tax on a “Sarvodaya Mandal” which holds an entire village in “Gramdan” shall be remitted to the extent of excess over the aggregate of such tax chargeable on the land contributed to the Sarvodaya Mandal by each member as if such land were a separate land holding held by such member.

8. Sub-section (3) of Section 3.—For the purposes of computing the area of a land holding, the area covered by a building or buildings situate on that holding with the area appurtenant thereto shall be excluded subject to a maximum of five acres.

9. No exemption in holding tax under rule 5 or remission in holding tax under rule 6 or 7 or exclusion in holding area under rule 8 shall be allowed unless claimed and proved by the assessee to the satisfaction of the assessing authority.

CHAPTER III

10. Assessments, notices, appeals and revisions—Section 6 read with sub-section (3) of Section 7.—The land-holder ordinarily residing outside Uttar Pradesh having land situate in more than one sub-division or districts in Uttar Pradesh shall give his option in Form L. L. H. T.-2 along with Form L. L. H. T.-3 as respects the Assessing Authority who may exercise jurisdiction in his case.

11. The prescribed authority referred to in the second and third provisos to sub-section (1) of Section 6 and clause (ii) of sub-section (2) of the same section shall be the Secretary, Board of Revenue, U. P. Lucknow.

12. Section 7.—Where a landholder does not reside in Uttar Pradesh, or resides therein but is temporarily absent, his annual value as determined under Section 5 shall be assessed after serving notices and requisitions under the Act on his Agent residing in the State of U. P. and such service on the Agent shall be deemed to be a service upon him.

Explanation.—Any person authorized to receive notices on his behalf by a person residing out of Uttar Pradesh or temporarily absent therefrom or employed by, or on behalf of, such a person for managing or looking after the property of which the annual value is assessed shall, for the purposes of this rule be deemed to be the Agent of such person.

13. **Sub-section (1) of Section 7.**—The notice mentioned in sub-section (1) of Section 7, shall in addition to publication in the official *Gazette* be published by affixing copies thereof on the Notice Board of the assessing authorities, the local courts and the tahsil. Such notice shall be in Form L.L.H.T.-1 (A) and shall require every landholder whose total annual value exceeds the maximum which is not chargeable to Large Land Holdings Tax to furnish a return of his total annual value in Form L.L.H.T.-3, duly verified in the manner indicated therein within thirty days of the publication of the notice in the *Gazette*.

14. **Sub-section (2) of Section 7.**—The notice and statement mentioned in sub-section (2) of Section 7 shall be in Forms L. L. H. T.-1 (B) and L. L. H. T.-1 (C) respectively and the landholder on whom it is served shall furnish a return in Form L. L. H. T.-3 duly verified in the manner indicated therein within thirty-five days of the delivery of the notice.

15. **Section 27.**—A notice or requisition required to be sent by post under Section 27 shall be sent by registered post with acknowledgment due and the postal receipt for the same shall be kept on the file of the case to which it relates.

16. (1) For the purposes of sub-section (2) of Section 19 the second instalment shall be payable within two months from the due date of the first instalment, the third instalment shall be payable within two months from the due date of the second instalment and the fourth instalment shall be payable within two months from the due date of the third instalment.

(2) A notice of demand mentioned in Section 10 or sub-section (2) of Section 21 shall be served on the landholder in Form L. L. H. T.-4.

(3) When the demand of holding tax as communicated under sub-rule (2) above is subsequently modified under Sections 11, 12, 15, 16 or 22, a fresh notice of demand in Form L. L. H. T.-5 shall be served.

17. (1) Where an assessee's land is partly held by a Co-operative Society, such Society shall be made a party in the assessment proceedings and the assessing authority shall issue a notice to the Society to declare the details of the share in land of such an assessee.

(2) The tax payable by a Society under the proviso to Section 17 shall bear the same proportion to the tax payable by the assessee as the annual value of share of assessee's land in the hands of the Society bears to the total annual value of the entire land holding of the assessee.

18. (1) An appeal under Section 11 to the Commissioner shall be filed in the case of—

(a) an order under Section 8 in Form L. L. H. T.-6, and

(b) an order under Section 21 in Form L. L. H. T.-7.

(2) (i) The memorandum of appeal mentioned in sub-rule (1) may be presented to the Commissioner himself or to the Collector of the district where the appellant was assessed, for transmission to the Commissioner.

(ii) On receiving such memorandum of appeal the Collector shall endorse thereon the date of its presentation and the name of the party or his

duly authorized agent in writing in that behalf presenting it and remit the appeal within a week of such presentation to the Commissioner.

(iii) The Commissioner may either himself decide appeal or transfer it to the Additional Commissioner.

19. The Government may appoint a special officer or pleader to represent the State Government before the Assessing Authority, Commissioner or the Board of Revenue.

20. The assessing authority shall be subordinate to the Commissioner and the Board of Revenue in judicial matters pertaining to Large Land Holdings Tax.

21. The Commissioner and the Board of Revenue may regulate the procedure of cases before them provided the same is not repugnant to the Act or the Rules and has been previously approved by the State Government.

22. (1) Petitions or applications under the Large Land Holdings Tax Act to the Assessing Authority, the Commissioner and the Board of Revenue shall be chargeable with the same court-fee as is respectively chargeable for petitions and applications to the Collector, the Commissioner of a division and the Board of Revenue. The court-fee chargeable shall be payable in court-fee stamps which shall be affixed to the petitions and applications before presentation.

(2) Applications mentioned in rules 5 (11) and 6 shall not be chargeable to any court-fee.

(3) Copies of orders shall be chargeable according to the scale of fee prescribed for the Revenue Courts, *i. e.* Collector, Commissioner or the Board.

23. Revision applications shall be presented in Form L. L. H. T.-8: (i) by the assessee to the Collector of the district where the petitioner was assessed and the latter shall forward the same to the Board of Revenue at Allahabad for disposal. Revision applications on behalf of the State may be presented in Form L. L. H. T.-8 (ii) direct by the Secretary, Board of Revenue or the Collector of the district or any officer authorized in this behalf by them before the Board of Revenue at Allahabad.

24. The postal charges on account of transmission of applications for appeal or revision to the authorities concerned shall be payable by the assessee in postage stamps at the time of presentation of such applications before the Collector.

25. The authority before whom the appeal or revision is pending shall fix the place and date for hearing and inform the assessee as well as the Secretary, Board of Revenue, of the same. Along with the intimation, copies of grounds of revision or appeal and the order under revision or appeal, as the case may be, shall be sent to the opposite party.

26. (1) Copies of all orders passed under Sections 8, 11, 12, 15, 16, 21 or 22 shall be sent by the authority passing the order to the Secretary, Board of Revenue and Collector of the district within a fortnight of the date on which the orders in question are passed.

(2) The limitation for filing revisions by the State shall commence from the date of service of order under revision on the Collector of the district.

(3) The Collector shall be responsible for initiating and filing State Revisions within the prescribed limit. The Secretary, Board of Revenue, U. P., may also initiate proceedings for filing revision and issue necessary instructions to the Collectors in this regard.

(4) **Proviso to sub-section (1) of Section 16.**—For the purposes of proviso to sub-section (1) of Section 16 intimation to the State Government shall be sent by serving a notice to this effect on the Secretary, Board of Revenue, or an officer authorized by him in this behalf.

27. **Section 9.**—(1) Where a landholder dies before the publication of the notice referred to in Section 7 (1), such publication shall be deemed to apply to his executor, administrator or other legal representative and the assessing authority may proceed to assess the total annual value of the land of the deceased person as if such executor, administrator or other legal representative were the assessee.

(2) Where a person dies before he is served with a notice under sub-section (2) of Section 7 or Section 8, as the case may be, the assessing authority may serve such notice on his executor, administrator or other legal representative and may proceed to assess the total annual value of the land of the deceased person as if such executor, administrator or other legal representative were the assessee.

(3) Where a person dies, without having furnished a return which he has been required to furnish under the provisions of sub-section (2) of Section 7 or having furnished a return which the assessing authority has reason to believe to be incorrect or incomplete, the assessing authority may require from the executor, administrator or other legal representative of the deceased person any accounts, documents or other evidence which he might, under the provisions of sub-section (2) of Section 8, have required from the deceased person for the purpose of assessment.

CHAPTER IV

28. **Recovery of taxes and penalties.**—(1) Every assessing authority shall maintain a register in Form L. L. H. T-9 showing the demand of Large Land Holdings Tax, the instalments in which it is payable and the date by which each instalment is to be paid.

(2) Each instalment shall be paid by a chalan in triplicate in Form 43-A of the Financial Handbook, Volume V, Part II, into the Sadar or tahsil treasuries of the district. One part of the chalan shall be retained at the Treasury, another part shall be returned to the assessee showing that the amount mentioned therein has been deposited and the third part shall be forwarded without delay to the assessing authority concerned. On receipt of the chalan from the Treasury under this sub-rule or under rule 31, the payment mentioned therein shall be recorded in the register referred to in sub rule (1).

(3) Where any instalment is not paid by the date fixed therefor, the official concerned shall put up the register along with the relevant file for orders of the assessing authority regarding imposition or otherwise of a penalty under sub-section (1) of Section 21.

(4) Where an assessee is in default either of payment of instalments as mentioned in sub-rule (3) or of any sum imposed by way of penalty under Section 21 the assessing authority may move the Collector to recover the same as arrears of land revenue.

29. The Collector shall maintain a register in Form L. L. H. T-10

tahsil-wise showing demand of Large Land Holdings Tax determined under Sections 8 and 15 or modified under Sections 11, 12, 16 or 22 and any penalty imposed under Section 21. The entries in such register shall be made on the basis of information received from the assessing authorities under the last preceding rule.

30. The Collector shall, as soon as may be, forward to the Tahsildar concerned an extract of the relevant entry in his register mentioned in rule 29 for realizing the amount due as arrears of land revenue.

31. (1) Any person in default desiring to deposit Large Land Holdings Tax shall on request be given a chalan in triplicate in Form 43-A of the Financial Handbook, Volume V, Part II duly filled in by the official concerned and the defaulter shall present the same along with the amount to be deposited at the sub-treasury of the tahsil where recovery as arrears of land revenue is pending to the cashier. One part of this chalan, acknowledging the receipt of the money duly sealed and signed by the Tahsildar shall be returned to the depositor as receipt, the other part shall be retained at the sub-treasury and third shall be forwarded to the assessing authority.

(2) The amount received under sub-rule (1) shall be forthwith recorded by the official concerned in the appropriate column or columns of the Register in Form L. L. H. T.-11.

32. On the first and sixteenth of every month the Tahsildar shall submit to the Collector a statement in Form L. L. H. T.-12 showing progress of collections.

CHAPTER V

33. (1) Refund of an amount shall only be ordered when the assessing authority is fully satisfied that the amount was desposited and has to be refunded. It shall be made through a refund voucher in Form no. 19, Financial Handbook, Volume V, Part I. A register of refund so ordered shall be maintained in Form L. L. H. T.-13.

(2) After an application for refund is made the official maintaining the register under clause (a) above shall, with reference to the said register, report whether or not any refund has been already allowed in respect of the same claim. The assessing authority shall then dispose of the application on merits.

34. (1) If in any case the assessing officer is satisfied upon claim made in this behalf, that the Large Land Holdings Tax has been paid by or on behalf of any person with which he was not properly chargeable the assessing officer shall allow a refund of the amount so paid or so paid in excess to such person, or in the case of such person's death, to his executor, administrator or other legal representative.

(2) Nothing in this rule shall operate to validate any objection or appeal which is otherwise invalid or to authorize the revision of any assessment or other matter which has become final and conclusive, or the review by any officer of a decision of his own which is subject to appeal or revision, or where any relief is specifically provided elsewhere in the Act, to entitle any person to any relief other or greater than that relief :

Provided that no claim to any refund of Large Land Holdings Tax under this rule shall be allowed unless it is made within one year from the last date of the financial year in which Large Land Holdings Tax was recovered from the assessee concerned or within one year from the date of order on the basis of which refund is being claimed whichever is later.

APPENDIX I

U. P. Tenancy Act, 1939

103. Procedure when rent-rates not determined.—In any district, part of a district or local area for which rent-rates have not been determined, the court shall decide any question relating to the commutation, determination, abatement or enhancement of rent after making a local inspection and considering the rent generally payable by tenants of the same class for land or the same class in the vicinity.

Rent-rates and appointment of rent-rates officer

104. Rent-rate applicable.—In any district, part of a district or local area for which rent-rates have been determined, the sanctioned rates for the purposes of this Act shall be (a) the rates determined at the latest settlement or the latest revision of settlement made under the United Provinces Land Revenue Act, 1901, or (b) the rates determined under the Agra Tenancy Act, 1926 or the Oudh Rent Act, 1886, as the case may be, or (c) the rates determined under the provisions of this Act, whichever are the latest.

105. Provision if rent-rates did or did not distinguish between occupancy and statutory tenants.—(1) If the rent-rates referred to in Section 104 do not distinguish between occupancy and non-occupancy or statutory tenants, such rates shall be deemed to be sanctioned rates for both occupancy and hereditary tenants.

(2) If the rent-rates referred to in sub-section (1) distinguished between occupancy and non-occupancy or statutory tenants, the rates sanctioned for either non-occupancy or statutory tenants shall be deemed to be sanctioned rates for hereditary tenants.

106. Order for determining rent-rates.—Notwithstanding anything to the contrary in the United Provinces Land Revenue Act, 1901, the Provincial Government may, by notification in the official *Gazette*, order that rent-rates shall be determined for any specified district or part of a district or local area whether by revision of the most recent rent-rates or otherwise, and may appoint an officer having powers not less than those of an Assistant Collector of the first class, hereinafter called a Rent-Rate Officer, to propose rent-rates for occupancy and hereditary tenants in accordance with the provisions of this Act with rules made by the Board.

APPENDIX II

Under Section 5 (1) the multiple fixed for determining the annual value for the purposes of Section 2 (2) of the Act shall be $12\frac{1}{2}$ throughout Uttar Pradesh :

Provided that the multiple for calculating annual value for different kinds of groves and orchards planted before July 1, 1957, shall be as follows for the whole of the State :

Mango graft ..										
Lichi .. .. .	..	..	..	..	..	..	..	..	..	5
Lukat .. .. .	..	..	..	..	..	..	..	..	..	5
Jack fruit .. .. .	..	..	..	..	..	..	..	..	..	5
Citrus .. .. .	..	..	..	..	..	..	..	..	..	2
Guava .. .. .	..	..	..	..	..	..	..	..	..	2
Other fruits (excluding seedling mango) ..	..	..	..	..	..	..	..	..	..	1

Seedling mango and timber trees specified in the explanation to rule 202 of the Zamindari Abolition and Land Reforms Rules

Notes.—(1) For the areas of the Kumaun Division as detailed in the First Schedule to the U. P. Tenancy Act, 1939 and the district of Tehri-Garhwal the multiple for orchards within five miles of cart roads will be 6, within 5 to 10 miles of cart roads 4, and beyond 10 miles of cart roads, 2.

(2) For mixed groves the multiple will be one fixed for the kind of trees which predominate.

(3) The multiple of 12 $\frac{1}{2}$ shall apply to seedling mangoes and timber trees only for that area of the grove land which is in excess of $\frac{1}{4}$ th of the total area of holding of a landholder and to which rule 5 (10) does not apply.

Provided further that the multiple for all kinds of groves planted on or after July 1, 1957, shall be—

Four for the first year.

Two for the second year, and

Nil for the 3rd and subsequent years.

The above reduced multiples shall be applicable in only those cases where existence of the grove is certified each year after spot enquiry by an officer not lower in rank than that of a Tahsildar:

Provided also that reduced multiples as given below shall be applicable to the *banjar* land newly brought under cultivation subject to the condition that (i) the land must not have been cultivated for seven years prior to its breaking, and (ii) the breaking of land must have taken place before the first day of July, 1957 :

First year	..	..	..	..	Nil.
Second year	..	..	..	..	Nil.
Third year	..	..	..	..	Nil.
Fourth year	..	..	..	..	1
Fifth year	..	..	..	..	2
Sixth year	..	..	..	..	4
Seventh year	..	..	..	..	6
Eighth year	..	..	..	..	8
Ninth year	..	..	..	..	10
Tenth and subsequent years	..	..	..	..	12 $\frac{1}{2}$

FORM L. L. H. T.-1 (A)

Notice under Section 7 (1) of the Uttar Pradesh Large Land Holdings Tax Act, 1957

Assessment year 19-----19-----

Corresponding Agricultural year-----

1. In pursuance of the provisions of Section 7 (1) of the Uttar Pradesh Large Land Holdings Tax Act, 1957, I-----, Collector of-----District, do hereby call upon every landholder/firm/family/society/trust/Sarvodaya Mandal/co-operative farm/co-operative society/association or a company, whose annual value of landholding exceeds Rs. 3,600 to prepare a return and correct statement of his or its value of landholding as it stood on July 1, 19--, in Form L. L. H. T.-3, and to deliver the same at the office of the assessing authority of the sub division in which such landholder/firm/family/society/trust/Sarvodaya Mandal/co-operative farm/co-operative society/association or company as the case may be, resides or carries on business or is situate or is assessable under this Act, duly signed and verified in the manner indicated in the said form by him or it within thirty days of the publication of this notice.

2. The annual valuation to be returned is the "annual value" as defined in Section 2 (2) of the U. P., L. L. H. T. Act, 1957.

3. The form contains instructions required for the preparation of the return. If any further information is desired, it can be obtained at the office of the assessing authority concerned.

4. If any claim for exemption or remission under sub-section (2) of Section 3 is to be made, necessary particulars in Annexures D, E, F to Form L. L. H. T.-3 should be furnished.

5. In case any landholder resides outside Uttar Pradesh, this return should be accompanied by a declaration in Form L. L. H. T.-2 indicating the option as to the assessing authority before whom he wants to be assessed under proviso to sub-section (1) of Section 6.

Collector.....

Seal Date.....

Note.—The forms specified above can be had from the office of the Assessing Authority concerned.

FORM L. L. H. T.-1 (B)

Notice under Section 7 (2) of the Uttar Pradesh Large Land Holdings Tax Act, 1957

Assessment year 19.....19.....

Corresponding Agricultural year.....

1. In pursuance of the provisions of Section 7 (2) of the Uttar Pradesh Large Land Holdings Tax Act, 1957, I.....the Assessing Authority of.....Sub-division, do hereby call upon you.....to prepare a return and correct statement of the annual landholding value of *yourself/firm/the family/the society/the trust/Sarvodaya Mandal/the co-operative farm/the co-operative society/the association/the company as it stood on July 1,.....and deliver the same at my office at.....duly signed by you and verified in the manner indicated in said form for yourself as the representative of the *firm/the family/the society/the trust/Sarvodaya Mandal/the co-operative society/the co-operative farm/the association/the Principal Officer of a company within thirty-five days of the receipt of this notice.

2. The annual value to be returned is the same as defined in Section 2(2) of the Uttar Pradesh Large Land Holdings Tax Act, 1957.

3. The form contains instructions required for the preparation of the return. If you desire any further information you can obtain it at my office.

4. If you wish to make any claim for exemption or remission under sub-section (2) of Section 3, you should furnish necessary particulars in the prescribed form Annexures D to F to Form L. L. H. T.-3.

5. In case you reside outside Uttar Pradesh this return should be accompanied by a declaration in Form L. L. H. T.-2 indicating your option as to the assessing authority by whom you wish to be assessed under second proviso to sub-section (1) of Section 6.

Assessing Authority,
Sub-division.

Seal

*Before issue of notice strike off words and clauses which do not apply.

Note.—A separate form for preparing this return is annexed.

FORM L. L. H. T.-1 (C)

Statement showing annual valuation of landholding under Section 7 (2) of the U. P., L. L. Holdings Tax Act, 1957

Name of assessee : Sri....., son of....., resident of....., tahsil.....
 district.....

It appears that the annual valuation of your landholding on July 1, 19..... was as under :

Name of village or mahal, if any	Area in acres/ bighas	Rent payable under Section 5 (2) and the proviso thereto	Multiple fixed under Appendix II to the rules	Annual valuation under Section 2 (2)	Remarks
1	2	3	4	5	6

The tax on the total estimated annual value of land holding amounting to rupees (in words and figures)

Place.....
 Assessing Authority.....

Date.....

Notes.—(i) Grand totals for columns 2 to 5 shall be struck at the end of the statement.

(ii) The valuation should be given separately in four lines in respect of each village with regard to (i) the area under groves prior to July 1, 1957, (ii) the area under groves planted on or after July 1, 1957, (iii) the area under newly-broken banjar land provided, the same remained uncultivated for seven years before breaking and it was broken before July 1, 1957, and (iv) the area to which multiples applicable will be 12 1/2.

FORM L. L. H. T.-2

*Form of declaration of option under second proviso to sub-section (1) of
Section 6 by the Assessee residing outside Uttar Pradesh*

In pursuance of second proviso to sub-section (1) of Section 6,
I.....,son of.....do hereby declare my option
that assessment proceedings under L. L. H. T. Act, 1957, in my case be
taken before the Assessing Authority of.....sub-division, in
district.....

Signature
Designation
Address
Date

FORM L. L. H. T.-3

*Form of return of total annual value to be filed under Section 7 of the Large
Land Holdings Tax Act, 1957, by individuals, families, companies,
firms, trusts, societies and other associations of individuals*

Assessment year.....
Corresponding Fasli year.....
Name of assessee.....
Designation/Status.....
Address.....

Rs.

- 1. Total annual value as shown in Annexure "A" ..
- 2. Annual value in respect of which exemption from liability
of Large Land Holdings Tax Act is claimed under rule 5
(Annexure D)
- 3. Annual value for which remission in holding tax is
claimed under rule 6 or 7 (Annexure E)
- 4. Annual value of land covered by buildings and the land
appurtenant thereto for the purposes of claiming reduction in area
under rule 8 (Annexure F).

I declare that to the best of my knowledge and belief the information
given in the statement is correct and complete, that the valuations shown are
as they stood on July 1, 19.....and are truly stated, that on that date
no other land in the whole of Uttar Pradesh was held by—

me
the family
the company
the firm
the trust
the Sarvodaya Mandal
the society
the association

I....., son of/w/o.....
 Sri..... further declare that the land held and occupied
 in the whole of Uttar Pradesh by me and my—

- * (a) mother,
- (b) wife,
- (c) unmarried daughter or son's daughter,
- (d) son, son's or son's son's son,
- (e) son's wife or son's son's wife,

on July 1, 19... has been shown in my return in Form L. L. H. T.-3 and no
 land held or occupied by any one of them has been left out from being shown
 in the return.

Signature

Designation

Address

Date

***Notes—** (1) The names of unconcerned relations should be struck off.

- (2) Annual value of all the land held or occupied in Uttar Pradesh by a landholder, who does not reside in the State or resides in it but is temporarily absent therefrom, is liable to be assessed to the Large Land Holdings Tax and must, therefore, be entered in this form.
- (3) Annual value of all the land held or occupied by the members of the landholders' family as detailed in Annexure B to this form should also be shown in the return.
- (4) The details of the share of assesses' land in the hands of a co-operative society shall also be given in Annexures A and C.
- (5) The signatory should satisfy himself that the return is correct and complete in every respect before signing the verification.

ANNEXURE A TO FORM L. L. H. T.-3

*Details of calculation of annual value under Section 5 of landholder Sri.....son of
Sri....., resident of....., tahsil....., district....., in.....pargana
.....Fasli.*

Name of village with name if any	Details of land held or occupied of each class of soil		Latest sanctioned hereditary rates applicable	Hereditary rates determined under Rule 3	Enhanced hereditary rates under the proviso to Section 5 (2)	Rent payable [column 2(b) \times column 3(a) or (b) or (c)]	Annual value (column 4 \times multiples fixed in respect of land covered by groves or orchards and other lands in Appendix II)	Remarks
	Class of soil	Total area of each class						
1	2(a)	2(b)	3(a)	3(b)	3(c)	4	5	6

ANNEXURE B TO FORM L.L.H.T.-3

*Details of calculation of annual value under Section 5 of the family of landholder Sri....., pargana
son of Sri....., resident of....., tahsil....., district....., in.....Fasli*

Name of assessee	Name of assessee's relation with relation-ship	Whether the assessee's management and cultivation is joint with such relation	Details of land held or occupied of each class of soil		Latest sanctioned hereditary rates applicable	Here-ditary rates determined under rule 3	Enhanced hereditary rates under proviso to Section 5(2)	Rent payable [column 5 (b) \times (a), (b) or (c)]	Annual value (column 7 \times the multiples fixed in respect of land covered by groves or orchards and other land in Appendix II)	Remarks
			Class of soil	Total area of each class						
1	2	3	4	5(a)	5(b)	6(a)	6(b)	7	8	9

Details of calculation of annual value under Section 5 of landholder Sri....., in respect of assessee's land in the hands of Co-operative Society of Sri....., resident of

[illegible]

ANNEXURE D TO FORM L. L. H. T.-3

<i>Details of exemptions claimed under rule 5 by the landholder Sri.....son of</i>										
<i>.....resident of.....pargana</i>										
<i>.....tahsil.....district.....</i>										
Serial No.	Account on which exemption claimed	Name of village with mahal, if any	Details of land with class of soil		Latest sanctioned hereditary rates applicable	Hereditary rates determined under rule 3	Enhanced hereditary rates under proviso to Section 5 (2)	Rent payable [column 4(b) × 5(a), (b) or (c)]	Annual value (column 6 × multiple fixed under Appendix II)	Remarks
			Class of soil	Total area of each class						
1	2	3	4 (a)	4 (b)	5 (a)	5 (b)	5 (c)	6	7	8

ANNEXURE E TO FORM L. L. H. T.-3

Details of remissions claimed under rules 6 and 7 by landholder Srison
of Sri.....resident of.....,tahsil.....,district.....,in.....Fasli.....pargana

Serial No.	Account on which remission claimed	Name of village with mahal	Details of land		Latest sanctioned hereditary rates determined under rule 3	Enhanced hereditary rates under proviso to Section 5 (2)	Rent payable [column 4 (b) × 3 (a), (b) or (c)]	Annual value for which remission sought	Year in which diluvian occurred	Details of agricultural calamity of class I		Remarks
			Class of soil	Total area of each class	hereditary rates applicable	to				tural	of	
1	2	3	4 (a)	4 (b)	5 (a)	5 (b)	5 (c)	6	7	8	9	10

ANNEXURE F TO FORM L. L. H. T.-3

Details of reduction in holding area claimed under rule 8 by Sri....., son of Sri.....
....., resident of.....,tahsil.....,district.....
....., in.....Fasli.....

Name of village with mahal, if any	Plinth area of the buildings	Details of area appurtenant to buildings			Latest sanctioned hereditary rates applicable	Hereditary rates determined under rule 3	Enhanced hereditary rates under proviso to Section 5 (2)	Remarks
		Class of soil	Total area of each class					
1	2	3(a)	3(b)	4(a)	4(b)	4(c)	5	

FORM L. L. H. T.-4

Notice under Section 10/21 of the Uttar Pradesh Large Land Holdings Tax Act, 1957

1. You (name) occupation address, have been assessed for year 19 19 to Large Land Holdings Tax amounting to Rs. in addition to a penalty of Rs.

2. You are required to deposit the total amount of Rs. in the following four instalments :

(a) first instalment of Rs. within two months from the date of the service of this notice,

(b) second instalment of Rs. within two months from the due date of the first instalment,

(c) third instalment of Rs. within two months from the due date of the second instalment,

(d) fourth instalment of Rs. within two months from the due date of the third instalment,

at the treasury or sub-treasury of the district, where a receipt shall be given to you.

3. If the instalment specified in paragraph 2 above is not paid within the time prescribed therein, you will be liable to such penalty as the assessing authority may direct under Section 21 of the Large Land Holdings Tax Act, 1957.

Dated.....19

Assessing Authority.

Place.....

FORM L. L. H. T.-5

Notice of alteration of demand of Large Land Holdings Tax under Sections 11/12/15/16/22

1. You (name)....., occupation address have been assessed for the year 19 19 to Large Land Holdings Tax amounting to Rs. (in addition to a penalty of Rs.) as shown in the notice of demand already served on you under Section 10/21 of the Large Land Holdings Tax Act. Since then the amount assessed has been revised

Assessing Authority

by the Commissioner/Additional Commissioner under Sections 11/12/15/16/22

Board of Revenue

resulting in the enhancement of the tax mentioned above by Rs.

abatement

2. You are required to deposit the total amount of Rs. in the following four instalments :

(a) first instalment of Rs. within two months from the service of this notice,

(b) second instalment of Rs. within two months from the due date of the first instalment,

(c) third instalment of Rs. within two months from the due date of the second instalment,

(d) fourth instalment of Rs. within two months from the due date of the third instalment,

at the treasury or sub-treasury of the district, where a receipt shall be given to you.

3. If the instalment specified in paragraph 2 above is not paid within the time specified therein, you will be liable to such penalty as the assessing authority may direct under Section 21 of the Large Land Holdings Tax Act, 1957.

Dated....., 19 .

Assessing Authority.

Place.....

FORM L. L. H. T-6

*Form of appeal against assessment to Large Land Holdings Tax Act
under Section 11*

To

The Commissioner,

.....Division.

The petition of....., resident of....., post office....., district....., sheweth as follows :

1. Under the Uttar Pradesh Large Land Holdings Tax Act, 1957, your petitioner has been assessed on the annual value of Rs. for the year 19.....19..... A copy of the order in question is attached hereto.

2. Your petitioner's annual value of his holdings under the provisions of the Act, situated in the Uttar Pradesh, for the year 19.....19..... calculated in the manner provided for in the Act, amounted to Rs.....

3. On July 1 of the said year, your petitioner had no other land holding in the State, the annual value of which could be assessed to Large Land Holdings Tax.

4. Your petitioner has made a return of his annual value to the assessing authority at.....as required by notice under Section 7 of the Act and has further complied with all the terms of the notice served on him by the assessing authority under Section 8 (2).

or

5. Your petitioner was prevented by sufficient cause from making the return required by notice under Section 7 or did not receive the notice issued under sub-section (2) of Section 8 or had not a reasonable opportunity to comply or was prevented by sufficient cause from complying with the terms of the notice under sub-section (2) of Section 8.

6. A concise statement of the facts on which the petitioner relies for the purpose of this appeal is attached herewith.

7. Your petitioner therefore prays that he/she may be assessed accordingly (or that he/she may be declared not to be chargeable under the Act or that the assessment may be cancelled and remanded to the assessing authority for re-assessment).

(Concise statement of additional facts)

(Signed).....

FORM OF VERIFICATION

I....., the petitioner, named in the above petition, do declare that what is stated therein including the statement of facts referred to in paragraph 6 is true to the best of my knowledge and belief.

Signed.....

Occupation..

Address....

Date.....

Notes—(1) The superfluous words in paragraphs 4 and 7 should be deleted.

(2) The memorandum of appeal as well as the verification should be signed—

(a) in the case of an individual by the individual himself/herself,

(b) in the case of any other association, society/Sarvodaya Mandal or company by the special officer thereof, and

(c) in the case of a firm by a partner.

FORM L. L. H. T.-7

Form of appeal against an order under Section 21

To

The Commissioner,

The petition of.....showeth as follows :

1. Under Section 21 of the Uttar Pradesh Large Land Holdings Tax Act, 1957, a penalty of Rs.....has been imposed on your petitioner by the assessing authority.....A copy of the order in question is attached hereto.

2. Your petitioner being aggrieved by the order of the assessing authority prays that the said order may be set aside amongst others on the following ground :

Signed....

Occupation.

Note—The memorandum of appeal and the verification should be signed—

(a) in the case of an individual by the individual himself/herself.

(b) in the case of any other association, society/Sarvodaya Mandal or company by the principal officer thereof, and

(c) in the case of a firm by a partner,

FORM OF VERIFICATION

I....., the petitioner, named in the above petition declare that what is stated therein including the statement of facts referred to in paragraph 2 is true to the best of my knowledge and belief.

Signed.....

Occupation.....

Address.....

Date.....

FORM L. L. H. T. 8 (i)

[For Assessee only]

Form of Revision under Section 12

To

The Board of Revenue.

Uttar Pradesh, Allahabad.

Sri....., son of....., w/o Sri....., resident to f....., tahsil....., district..... *Applicant*,

versus

The State of Uttar Pradesh..... *Opposite-party*.

The petition ofshoweth as follows :

1. Under the Uttar Pradesh Large Land Holdings Tax Act, 1957, your petitioner has been assessed on the annual value of Rs.....for the year 19..... A copy of the order in question is attached hereto.

2. Your petitioner's annual value of his holding under the provisions of the Act, situated in Uttar Pradesh for the year is 19 calculated in the manner provided for in the Act, amounted to Rs.....

3. On July 1, of the said year, your petitioner had no other landholding in the State, the annual value of which could be assessed to Large Land Holdings Tax.

4. Your petitioner filed an appeal against the said order before the Commissioner of Division which has been rejected on the grounds given hereunder. A copy of the appellate order is also attached hereto.

(a)

(b)

5. A concise statement of facts on which the petitioner relies for the purposes of this revision is attached herewith.

6. Your petitioner, therefore, prays that the appellate and/or assessment order be set aside or that he/she may be declared not to be chargeable under the Act or that the assessment may be cancelled and remanded to the assessing authority for re-assessment.

(Concise statement of facts)

Signed.....

Note.—(1) Superfluous words in paragraphs 4 and 6 should be deleted.

(2) Revision petition as well as the verification should be signed —

(a) in the case of an individual by the individual himself/herself,

(b) in the case of any other association, society or company by the principal officer thereof, and

(c) in the case of a firm]by a partner.

FORM OF VERIFICATION

I, the petitioner named in the above petition, do declare that what is stated therein, including the statement of facts, referred to in paragraph 5 is true to the best of my knowledge and belief.

Signed

Occupation

Address

Date

FORM L. L. II. T.- 8 (ii)

[For State only]

From of Revision under Section 12

To

The Board of Revenue,
Uttar Pradesh, Allahabad.

State of Uttar Pradesh Applicant,

versus

Sri/Srimati....., s/o, w/o.....,
resident of....., tahsil....., district..... *Opposite-party.*

The petitioner begs to show as under :

(1) Under Sections 8/11/15/16/22 of L. L. II. T. Act, 1957, the Assessing Authority/Appellate Authority/Board of Revenue has/have passed the order, dated in the above noted case. A copy of the order in question is attached hereto.

(2) Your petitioner being aggrieved by the order in question prays that the said order may be set aside/modified amongst others on the following grounds :

Signed

Note.—Superfluous words in the paragraphs should be struck off.

FORM L. L. H. T.-9

Register of Demand of Account of Large Land Holdings Tax maintained by the Assessing Authority, Sub-Division.....
district.....

Sl. No.	Name of assessee with full particulars	Reference to the assessment file	Details of demand			Date of issue of Service demand notice	Distribution of demand shown in column 6 over four instalments				Date of communication	Date and amount of collection at the taluq as per challan received		Remarks
			Amount of tax assessed under Section 8	Amount of penalty imposed under Section 21	Total		Amount of such instalment and last date of payment	Amount and date of deposit as shown in treasury challan	Demand communicated to Collector for recovery as arrears of land revenue	Date		Amount		
1	2	3	4	5	6	7	8	9	10	11	12	13	14	
			Rs.	Rs.	Rs.		Rs.	Rs.			Rs.			

1st Date.....Rs.....
2nd Date.....Rs.
3rd Date.....Rs.
4th Date.....Rs.....

Notes—(1) The demand in columns 4 to 6 should be revised if varied subsequently by any order and the fact with particulars [noted in column of remarks in red ink.

(2) All the entries about demand and collection should be initialled by the assessing authority.

FORM L. L. H. T-10.

Register of Demand of Large Land Holdings Tax (rule 29) reported by the Assessing Authority for collection as arrears of Land Revenue under rule 28 (4)

Serial No.	Name of the Assessing authority communicating the demand	Reference to assessment file	Name of the defaulting assessee with full particulars	Date of receiving the communication	Amount of L. L. H. Tax or penalty to be recovered as arrears of land revenue	Date of communication to the Tahsildar	Date of acknowledgment by the Tahsildar	Remarks
1	2	3	4	5	6	7	8	9

Rs.

Notes.—(1) The register has to be maintained separately for each tahsil.

(2) The demand may be revised, if varied subsequently and the fact noted in the column of remarks in red ink under signatures of the assessing authority.

(3) The demand shall be communicated in duplicate sheets and one of the sheets shall be returned by the Tahsildar in token of acknowledgment of demand with his dated signature.

FORM L. L. H. T.-11
Register of Demand and Collection of Large Land Holdings Tax [rule 31(b)] to be recovered as arrears of Land Revenue
Tahsil.....District.....

Serial No. No. of demand sheet	Date of receipt of intimation of demand from the Collector	Name of the assessing authority	Reference to assessment file No.	Name with particulars of the defaulting assessee	Amount to be recovered	Date of collection with the No. of challan	Amount collected	Date of forwarding one part of the challan to assessing authority	Remarks
1	2	3	4	5	6	7	8	9	10

Rs.

- Notes.**—(1) The demand may be revised, if varied subsequently and the fact noted on the column of remarks in red ink under the signature of the Tahsildar.
(2) The sheets in Form L. L. H. T.-10 shall be serially numbered on receipt from the Collector and the same number shall be shown as denominator in column No. 1 against each entry.

FORM L. L. H. T.-12

Return of collection of Large Land Holdings Tax for the fortnight ending....., tahsil....., submitted to Collector on.....

No.	Designation of the assessing authority	Demand including penalty up to the beginning of the fortnight under report	Demand communicated to tahsil during the fortnight under report	Total demand (column 3 plus column 4)	Collections till the beginning of the fortnight under report	Collections during the fortnight under report
1	2	3	4	5	6	7

Total collections (column 6 plus column 7)	Balance (column 5 minus column 8)	Demand the realization of which has been stayed with details of the stay orders	Actual balance for recovery	Details of the oldest three items pending realization (except items the recovery of which has been stayed) for more than six months with brief reasons for non-realization	Remarks
8	9	10	11	12	13

Note.—In case the figure in column 3 of the current statement is not the same as in column 5 of the last fortnightly statement the difference should be explained in the remarks column with reference to 1 articles of the order.

FORM L. L. H. T.-13
Register of Refunds

Serial No.	Number of assessment files	Date and number of original credit	Date of claim	The authority under which the refund is made	Name of payee with place of residence	Amount to be refunded	Signatures of payee in token of having received the voucher	Initial of officer making refund	Remarks
1	2	3	4	5	6	7	8	9	10

Rs.

THE U. P. SALES TAX (SECOND AMENDMENT) ACT, 1957

(U. P. Act No. XXXII of 1957)

CONTENTS

Sections

1. Short title and commencement.
2. Amendment of Section 3-AA of U. P. Act XV of 1948.
3. Insertion of a new Section 3-C in U. P. Act XV of 1948.

Sections

4. Amendment of Section 8-A of U. P. Act XV of 1948.
5. Amendment of Section 18 of U. P. Act XV of 1948.

[As passed by the U. P. Legislature]

AN ACT

to amend the U. P. Sales Tax Act, 1948, for certain purposes

Whereas it is expedient to amend the U. P. Sales Tax Act, 1948, for the purposes hereinafter appearing ;

It is hereby enacted in the Eighth Year of the Republic of India as follows :

Prefatory Note.—The Statement of Objects and Reasons as attached to the Bill is given below :

“The U. P. Sales Tax Act, as it stands at present, does not specifically provide for the manner in which sales tax is to be assessed on, or realized from, firms which are dissolved after carrying on business for some time. With a view to removing this lacuna, it is proposed to suitably amend the Act. Opportunity is also being taken to effect certain amendments necessitated by the introduction of the decimal system of coinage and the coming into force of the Central Sales Tax Act, 1956.

The Bill is, therefore, introduced.” Vide *U. P. Gaz. Extra.*, dated April 13, 1957.

1. Short title and commencement.—(1) This Act may be called the U. P. Sales Tax (Second Amendment) Act, 1957.

(2) It shall come into force at once :

Provided that the amendments to the U. P. Sales Tax Act, 1948 (hereinafter called the Principal Act) made by Section 3, shall also apply in relation to assessments for any year before the commencement of this Act whether such assessments have or had at any stage been completed or not.

Note.—The Act received the assent of the President on Nov. 25, 1957 and the English translation of the Act was published in *U. P. Gaz. Extra.*, dated Nov. 30, 1957.

2. Amendment of Section 3-AA of U. P. Act XV of 1948.—For Section 3 AA of the Principal Act, the following shall be substituted :

“3-AA. **Rate and point of tax in respect of certain goods.**—(1) Notwithstanding anything contained in Section 3 or 3-A, the turnover in respect of the following goods shall not be liable to tax except at the point of sale by a dealer to the consumer, and the rate of tax shall not exceed two per cent :

- (i) coal, including coke in all its forms ;
- (ii) cotton, that is to say, all kinds of cotton (indigenous or imported) in its unmanufactured state, whether ginned or unginned, baled, pressed but not including cotton waste ;
- (iii) hides and skins, whether in a raw or dressed state ;

(iv) iron and steel, that is to say—

(a) pig iron and iron scrap ;

(b) iron plates sold in the same form in which they are directly produced by the rolling mill ;

(c) steel scrap, steel ingots, steel billets, steel bars and rods ;

(d) (i) steel plates,

(ii) steel sheets,

(iii) sheet bars and tin bars,

(iv) rolled and steel sections,

(v) tool alloy steel ;

} sold in the same form in which they are directly produced by the rolling mill ;

(v) jute, that is to say, the fibre extracted from plants belonging to the species *corchorus*, *capsularis* and *corchorus olitorius* and the fibre known as *mesta* or *bimli* extracted from plants of the species *hibiscus cannabinus* and *hibiscus sabdariffa-var altissima*, whether baled or otherwise ;

(vi) oil seeds, that is to say, seeds yielding non-volatile oils used for human consumption, or in industry, or in the manufacture of varnishes, soaps and the like, or in lubrication, and volatile oils used chiefly in medicines, perfumes, cosmetics and the like.

(2) Unless the dealer proves otherwise, every sale by a dealer shall, for the purposes of sub-section (1), be presumed to be to a consumer."

3. Insertion of a new Section 3-C in U. P. Act XV of 1948.—After Section 3-B of the Principal Act, the following shall be added as a new Section 3-C :

"3-C. Liability to tax of a dissolved firm, etc.—Where a dealer is a firm, or association of persons or a joint Hindu family, and such firm, association or family has discontinued business during the course of an assessment year—

(a) tax payable under this Act by such firm, association or family for the period up to the date of such discontinuance may be assessed and determined as if no such discontinuance had taken place ; and

(b) every person who was at the time of such discontinuance, a partner of such firm or a member of such association or family, shall notwithstanding such discontinuance, be liable severally and jointly for the payment of the tax assessed as payable by such firm, association or family, whether such assessment is made prior to or after such discontinuance, and, subject as aforesaid the provisions of this Act shall apply as if every such person or partner were himself a dealer :

Provided where it is found that a charge has occurred in the constitution of the firm or association or that such firm or association has transferred its business and the tax payable by a partner or a member as aforesaid cannot be recovered from him, it may be recovered from the firm or association as reconstituted, or from the transferee :

Provided further that where a tax is recovered from the firm or association or transferee as aforesaid, such firm or association or transferee shall be entitled to recover the same from the partner or member who was originally liable to pay the tax.

Explanation—The dissolution or re-constitution of a firm or association of persons, or transfer by a dealer of his business, or partition of a joint Hindu family shall be deemed to be discontinuance of business within the meaning of this section."

4. Amendment of Section 8-A of U. P. Act XV of 1948.—After sub-section (5) of Section 8-A of the Principal Act, the following shall be added as a new sub-section (6) :

"(6) The assessing authority may, where it appears to it to be necessary for the security of the revenue so to do, impose, as condition of causing a dealer to be registered under this section, or of the continuance in effect of such registration, a requirement that he shall give security up to an amount and in a manner required by such authority for the payment of tax for which he may be, or may become liable :

Provided that no action shall be taken under this sub-section except with the previous approval of the Commissioner :

Provided further that a person aggrieved by an order passed under this sub-section may, within 30 days of the order but after depositing the amount of security go in revision to the Revising Authority which may pass such order as it may think fit."

5. Amendment of Section 18 of U. P. Act XV of 1948.—In Section 18 of the Principal Act—

(1) in sub-section (1) for the words "within 30 days of the expiry of the month in which the business is discontinued" the words "within fifteen days from the date of such discontinuance" shall be substituted;

(2) for the existing "Explanation" under sub-section (1), the following shall be substituted:

"Explanation—The dissolution or re-constitution of a business firm or association of persons or partition of a joint Hindu family or transfer by a dealer of his business shall be deemed to be discontinuance of business within the meaning of this sub-section."

ADDITIONAL MATTER

For

[Vols. I to IV]

of

U. P. LOCAL ACTS

1836-1955

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U. P. AGRICULTURAL INCOME TAX ACT, 1949

(U. P. Act No. III of 1949)

This Act now stands repealed vide Section 28 of the U. P. Large Land Holdings Tax Act, 1957 (U. P. Act No. XXXI of 1957).

**BENGAL, AGRA AND ASSAM CIVIL COURTS
ACT, 1887**

(U. P. Act No. XII of 1887)

Recent notification No. A-1104/VII-710-53, dated April 12, 1956, published in U. P. Gaz., dated April 21, 1956, Pt. 1-A, pp. 451-459

JUDICIAL DEPARTMENT*Miscellaneous*

In supersession or modification, as the case may be, of anything previously notified or done relating to the subject and in exercise of the powers conferred by the Bengal, Agra and Assam Civil Courts Act, 1887 (Act No. XII of 1887), the Oudh Courts Act, 1925 (U. P. Act No. IV of 1925) and the Provincial Small Cause Courts Act, 1887 (Act No. IX of 1887) and upon the recommendation of the High Court of Judicature at Allahabad, so far as such recommendation is in any case required, the Governor of Uttar Pradesh is pleased to declare—

- (a) that the civil courts, subject to the ordinary civil jurisdiction of the said High Court, shall be those indicated in the second column of the Schedule below;
- (b) that the local limits of the jurisdiction of each such court shall be those shown against it in the third column of the said Schedule; and
- (c) that the place or places at which each court is to be held, as occasion may arise, shall be that or those against it in the fourth column of the said Schedule.

It is further notified for the information of all concerned that the persons appointed, or to be appointed, judges of the said civil courts are to combine with the office of judge of any one such civil court or of any criminal court, in the manner and to the extent indicated in the fifth column of the said Schedule, and that the said persons, so long as they continue to be judges of the said civil courts, may, for convenience of description be referred to by the titles indicated against their civil courts, respectively in the sixth column of the said Schedule.

SCHEDULE

Sl. No.	Court	Revenue areas forming limits of jurisdiction	Place or places of sittings			Combined offices	Title
			3	4	5		
1	2	3				6	
1	District Judge	District of Agra	..	Agra	..	Sessions Judge	District Judge at Agra.
2	Ditto	District of Aligarh	..	Aligarh	..	Ditto	District Judge at Aligarh.
3	Ditto	District of Allahabad and the district of Mirzapur, with the exception of (1) the tappas of Agori Khas and South Kon in the pargana of Agori; (2) the tappas of Singrauli in the pargana of Singrauli; (3) the tappas of Phulwa, Dudhi and Barha in the pargana of Bichipal; (4) the portion lying to the south of the Kaimur Range	..	Allahabad and Mirzapur	..	Ditto	District Judge at Allahabad.
4	Ditto	District of Azamgarh	..	Azamgarh	..	Ditto	District Judge at Azamgarh.
5	Ditto	District of Bahraich	..	Bahraich	..	Ditto	District Judge at Bahraich.
6	Ditto	District of Banaras	..	Banaras	..	Ditto	District Judge at Banaras.
7	Ditto	District of Ballia	..	Ballia	..	Ditto	District Judge at Ballia.
8	Ditto	District of Bareilly	..	Bareilly	..	Ditto	District Judge at Bareilly.
9	Ditto	Districts of Bareilly and Pilibhit	..	Bareilly and Pilibhit	..	Ditto	District Judge at Bareilly.
10	Ditto	District of Basti	..	Basti	..	Ditto	District Judge at Basti.
11	Ditto	District of Bijnor	..	Bijnor	..	Ditto	District Judge at Bijnor.
12	Ditto	District of Budaun	..	Budaun	..	Ditto	District Judge at Budaun.
13	Ditto	District of Bulandshahr	..	Bulandshahr	..	Ditto	District Judge at Bulandshahr.
14	Ditto	District of Etah	..	Etah	..	Ditto	District Judge at Etah.

15	District Judge	Districts of Faizabad and Sultanpur	...	Faizabad and Sultanpur	...	Sessions Judge	...	District Judge at Faizabad.
16	Ditto	District of Farrukhabad	...	Farrukhabad	...	Ditto	...	District Judge of Farrukhabad at Farrukhabad.
17	Ditto	District of Ghazipur	...	Ghazipur	...	Ditto	...	District Judge at Ghazipur.
18	Ditto	District of Gonda	...	Gonda	...	Ditto	...	District Judge at Gonda.
19	Ditto	Districts of Gorakhpur and Deoria	...	Gorakhpur	...	Ditto	...	District Judge at Gorakhpur.
20	Ditto	District of Hardoi	...	Hardoi	...	Ditto	...	District Judge at Hardoi.
21	Ditto	District of Jaunpur	...	Jaunpur	...	Ditto	...	District Judge at Jaunpur.
22	Ditto	Districts of Jhansi, Jalaun, Banda and Hamirpur	...	Jhansi	...	Ditto	...	District Judge at Jhansi.
23	Ditto	Districts of Kanpur and Fatehpur	...	Kanpur	...	Ditto	...	District Judge at Kanpur.
24	Ditto	Districts of Naini Tal, Almora, Garhwal and Tehri-Garhwal	...	Naini Tal, Heldwani, Almora, Panchkhet, Lansdowne, Chamoli and Pauri	...	Ditto	...	District Judge of Kumaun at Naini Tal
25	Ditto	District of Kheri	...	Kheri	...	Ditto	...	District Judge at Kheri.
26	Ditto	District of Lucknow	...	Lucknow	...	Ditto	...	District Judge at Lucknow.
27	Ditto	Districts of Mainpuri and Etawah	...	Mainpuri and Etawah	...	Ditto	...	District Judge at Mainpuri.
28	Ditto	District of Mathura	...	Mathura	...	Ditto	...	District Judge at Mathura.
29	Ditto	District of Meerut	...	Meerut	...	Ditto	...	District Judge at Meerut.
30	Ditto	District of Muzaffarnagar	...	Muzaffarnagar	...	Ditto	...	District Judge at Muzaffarnagar.
31	Ditto	District of Moradabad	...	Moradabad	...	Ditto	...	District Judge at Moradabad.
32	Ditto	Districts of Rae Bareilly and Pratapgarh	...	Rae Bareilly and Pratapgarh	...	Ditto	...	District Judge at Rae Bareilly.
33	Ditto	District of Rampur	...	Rampur	...	Ditto	...	District Judge at Rampur.
34	Ditto	Districts of Saharanpur, Dehra Dun and Mussoorie	...	Saharanpur, Dehra Dun and Mussoorie	...	Ditto	...	District Judge at Saharanpur.

District Judge	District of Shahjahanpur	...	Shahjahanpur	...	Sessions Judge	...	District Judge at Shah-jahanpur.
36 Do.	District of Sitapur	...	Sitapur	...	Ditto	...	District Judge at Sitapur.
37 Do.	District of Unnao	...	Unnao	...	Ditto	...	District Judge at Unnao.
38 Additional District Judge	Throughout the Judgeships of Aligarh, Moradabad and Meerut	...	Aligarh, Moradabad, Meerut	...	Additional Sessions Judge	...	Additional District Judge, of Aligarh and Meerut.
39 Small Cause Court Judge	The whole of the district of Agra, <i>i. e.</i> , all the tahsils in that district, namely tahsils Agra, Itanagar, Ferozabad and Kheragarh, Bah, Kirooli and Fatehabad	...	Agra	...	Civil Judge (Sl. No. 87) and Assistant Sessions Judge	...	Small Cause Court Judge of Agra.
40 Do.	Tahsils Aligarh, Arraoli, Iglas, Khat and Sikandra, Rao with the exception of tappa Hasatu in pargana Sikandra Rao	...	Aligarh	...	Civil Judge (Sl. No. 89) and Assistant Sessions Judge	...	Small Cause Court of Aligarh.
41 Do.	The district of Allahabad	...	Allahabad	...	Civil Judge (Sl. No. 97) and Assistant Sessions Judge	...	Court Judge of Allahabad.
42 Do.	The district of Banaras	...	Banaras	...	Civil Judge (Sl. No. 107) and Assistant Sessions Judge	...	Small Cause Court Judge of Banaras.
43 Do.	The district of Bareilly	...	Bareilly	...	Civil Judge (Sl. No. 97) and Assistant Sessions Judge	...	Small Cause Court Judge of Bareilly.
44 Do.	District of Gorakhpur	...	Gorakhpur	...	Civil Judge (Sl. No. 108) and Assistant Sessions Judge.	...	Small Cause Court Judge of Gorakhpur.
45 Do.	District of Kanpur	...	Kanpur	...	Civil Judge (Sl. No. 103) and Assistant Sessions Judge.	...	Small Cause Court Judge of Kanpur.
46 Do.	District of Lucknow	...	Lucknow	...	Additional Civil Judge (Sl. No. 116) and Assistant Sessions Judge.	...	Small Cause Court Judge of Lucknow.

47	Additional Small Cause Court Judge	Ditto	...	Do.	...	Additional Judge (Sl. No. 117) and Assistant Sessions Judge.	Small Cause Court Judge at Lucknow.
48	Small Cause Court Judge	Tahsila Meerut, Mowana, Sardhana and Hapur	...	Meerut	...	Civil Judge (Sl. No. 123) and Assistant Sessions Judge.	Small Cause Court Judge at Meerut.
49	Do.	Tahsils Moradabad and Thakurdwara and the area over which the Munsif of Amroha has jurisdiction	...	Moradabad	...	Civil Judge (Sl. No. 126) and Assistant Sessions Judge.	Small Cause Court Judge of Moradabad.
50	Civil Judge	District of Aligarh	...	Aligarh	...	Additional Sessions Judge in the Sessions Division of Aligarh.	Civil and Sessions Judge of Aligarh.
51	Do.	District of Allahabad	...	Allahabad	...	Additional Sessions Judge in the Sessions Division of Allahabad.	Civil and Sessions Judge of Allahabad.
52	Do.	District of Mirzapur with the exception of (1) the tappas of Agori Khas and South Kon in the pargana for Agori, (2) the tappa of Singrauli in the pargana of Singrauli and (3) the tappas of Phulwa, Dudhi and Barha in the pargana of Bichipal and (4) the portion lying to the south of the Kaimor Range	...	Mirzapur	...	Additional Sessions Judge in the Sessions Division of Allahabad.	Civil and Sessions Judge of Mirzapur.
	Do.	District of Banaras	...	Banaras and Gyanpur.	...	Additional Sessions Judge in the Sessions Division of Banaras.	Civil and Sessions Judge of Banaras and Gyanpur.
	Do.	Districts of Bareilly and Bijnor	...	Bareilly and Bijnor	...	Additional Sessions Judge in the Sessions Division of Bareilly and Moradabad.	Civil and Sessions Judge of Bareilly and Bijnor.

55	Civil Judge	District of Pilibhit	...	Pilibhit	...	Additional Sessions Judge in the Sessions Division of Bareilly.	Civil and Sessions Judge of Pilibhit.
56	Do.	District of Budaun	...	Budaun	...	Additional Sessions Judge in the Sessions Division of Budaun.	Civil and Sessions Judge of Budaun.
57	Do.	District of Bulandshahr	...	Bulandshahr	...	Additional Sessions Judge in the Sessions Division of Bulandshahr.	Civil and Sessions Judge of Bulandshahr.
58	Do.	District of Etah	...	Etah	...	Additional Sessions Judge in the Sessions Division of Etah.	Civil and Sessions Judge of Etah.
59	Do.	District of Sultanpur	...	Sultanpur	...	Additional Sessions Judge in the Sessions Division of Faizabad.	Civil and Sessions Judge of Sultanpur.
60	Do.	Districts of Farrukhabad and Mainpuri	...	Farehgarh and Mainpuri	...	Additional Sessions Judge in the Sessions Divisions of Farrukhabad and Mainpuri.	Civil and Sessions Judge of Farrukhabad and Mainpuri.
61	Do.	District of Ballia	...	Ballia	...	Additional Sessions Judge in the Sessions Division of Ballia.	Civil and Sessions Judge of Ballia.
62	Do.	Districts of Gonda and Bahraich	...	Gonda and Bahraich	...	Additional Sessions Judge in the Sessions Divisions of Gonda and Bahraich.	Civil and Sessions Judge of Gonda and Bahraich.
63	Do.	District of Gorakhpur	...	Gorakhpur	...	Additional Sessions Judge in the Sessions Division of Gorakhpur.	Civil and Sessions Judge of Gorakhpur.

64	Do.	District of Deoria	...	Deoria	...	Additional Sessions Judge in the Sessions Division of Gorakhpur.	Civil and Sessions Judge of Deoria.
65	Civil Judge	District of Banda	...	Banda	...	Additional Sessions Judge in the Sessions Division of Jhansi.	Civil and Sessions Judge at Banda.
66	Do.	Districts of Hamirpur and Jalaun	...	Hamirpur and Orai	...	Additional Sessions Judge in the Sessions Division of Jhansi.	Civil and Sessions Judge of Hamirpur.
67	Do.	District of Kanpur	...	Kanpur	...	Additional Sessions Judge in the Sessions Division of Kanpur.	Civil and Sessions Judge of Kanpur.
68	Do.	Districts of Kanpur and Etawah	...	Kanpur and Etawah	...	Additional Sessions Judge in the Sessions Division of Kanpur and Mainpuri.	Civil and Sessions Judge of Kanpur and Etawah.
69	Do.	District of Fatehpur	...	Fatehpur	...	Additional Sessions Judge in the Sessions Division of Kanpur.	Civil and Sessions Judge of Fatehpur.
70	Do.	Garhwal and Tehri-Garhwal	...	Pauri, Landsowne, Chamoli, Kotdwara, Dogadda and Tehri.	...	Additional Sessions Judge in the Sessions Divisions of Kumaun.	Civil and Sessions Judge of Garhwal and Tehri-Garhwal.
71	Do.	District of Etawah	...	Etawah	...	Additional Sessions Judge in the Sessions Division of Mainpuri.	Civil and Sessions Judge of Etawah.
72	Do.	Districts of Mathura and Agra	...	Mathura and Agra	...	Additional Sessions Judge in the Sessions Division of Mathura and Agra.	Civil and Sessions Judge of Mathura and Agra.
73	Do.	District of Meerut	...	Meerut	...	Additional Sessions Judge in the Sessions Division of Meerut.	Civil and Sessions Judge of Meerut.

74	Civil Judge	District of Muzaffarnagar	...	Muzaffarnagar	...	Additional Sessions Judge in the Sessions Division of Muzaffarnagar.	Civil and Sessions Judge of Muzaffarnagar.
75	Do.	District of Moradabad	...	Moradabad	...	Additional Sessions Judge in the Sessions Division of Moradabad.	Civil and Sessions Judge of Moradabad.
76	Do.	District of Bijnor	...	Bijnor	...	Sessions Judge in the Sessions Division of Bijnor.	Civil and Sessions Judge of Bijnor.
77	Do.	District of Pratapgarh	...	Pratapgarh	...	Additional Sessions Judge in the Sessions Division of Rae Bareilly.	Civil and Sessions Judge of Pratapgarh.
78	Do.	District of Saharanpur	...	Saharanpur	...	Additional Sessions Judge in the Sessions Division of Saharanpur.	Civil and Sessions Judge of Saharanpur.
79	Do.	District of Dehra Dun	...	Dehra Dun and Mussorie	...	Additional Sessions Judge in the Sessions Division of Saharanpur.	Civil and Sessions Judge at Dehra Dun.
80	Do.	Districts of Shahjahanpur and Hardoi	...	Shahjahanpur and Hardoi	...	Additional Sessions Judge in the Sessions Division of Shahjahanpur and Hardoi.	Civil and Sessions Judge of Shahjahanpur and Hardoi.
81	Do.	Districts of Sitapur and Kheri	...	Sitapur and Kheri	...	Additional Sessions Judge in the Sessions Division of Sitapur and Kheri.	Civil and Sessions Judge of Sitapur and Kheri.
82	Do.	District of Kheri	...	Lakhimpur	...	Additional Sessions Judge in the Sessions Division of Kheri.	Civil and Sessions Judge of Kheri.
83	Do.	District of posting	...	Place of posting	...	Additional Sessions Judge in the Sessions Division in which posted.	1st movable Civil and Sessions Judge.

84	Do.	Ditto	...	Ditto	...	Ditto	...	2nd movable Civil and Sessions Judge.
85	Do.	Ditto	...	Ditto	...	Ditto	...	3rd movable Civil and Sessions Judge.
86	Do.	Ditto	...	Ditto	...	Ditto	...	4th movable Civil and Sessions Judge.
87	Do.	District of Agra	...	Agra	...	Small Cause Court Judge (Sl. No. 76) and Assistant Sessions Judge.	...	Small Cause Court Judge of Agra.
88	Do.	Ditto	...	Do.	...	Assistant Sessions Judge.	...	Civil Judge of Agra.
89	Do.	Tahsils Aligarh, Atrauli, Iglas, Khair and Sikandra Rao with the exception of tappa Husain in pargana Sikandra Rao	...	Aligarh	...	Small Cause Court Judge (Sl. No. 77) and Assistant Sessions Judge.	...	Small Cause Court Judge of Aligarh.
90	Do.	District of Aligarh	...	Aligarh	...	Assistant Sessions Judge.	...	Civil Judge of Aligarh.
91	Do.	District of Allahabad	...	Allahabad	...	Small Cause Court Judge (Sl. No. 78) and Assistant Sessions Judge.	...	Small Cause Court Judge of Allahabad.
92	Do.	Ditto	...	Do.	...	Assistant Sessions Judge.	...	Civil Judge of Allahabad.
93	Do.	District of Azamgarh	...	Azamgarh	...	Ditto	...	Civil Judge of Azamgarh.
94	Do.	District of Bahraich	...	Bahraich	...	Ditto	...	Civil Judge of Bahraich.
95	Do.	District of Banaras	...	Banaras	...	Small Cause Court Judge (Sl. No. 79) and Assistant Sessions Judge.	...	Small Cause Court Judge of Banaras.
96	Do.	District of Bara Banki	...	Bara Banki	...	Assistant Sessions Judge.	...	Civil Judge of Bara Banki.
97	Do.	District of Bareilly	...	Bareilly	...	Small Cause Court Judge (Sl. No. 80) and Assistant Sessions Judge.	...	Small Cause Court Judge of Bareilly.
98	Do.	Ditto	...	Do.	...	Assistant Sessions Judge.	...	Civil Judge of Bareilly.

99	Civil Judge	District of Basti	...	Basti	...	Asstt. Sessions Judge	Civil Judge Basti.
100	Do.	District of Budaun	...	Budaun	...	Ditto	Civil Judge of Budaun.
101	Do.	District Bulandshahr	...	Bulandshahr	...	Ditto	Civil Judge of Bulandshahr.
102	Do.	District of Faizabad	...	Faizabad	...	Ditto	Civil Judge of Faizabad.
103	Do.	District of Etah	...	Etah	...	Ditto	Civil Judge of Etah.
104	Do.	District of Farrukhabad	...	Fatehgarh	...	Ditto	Civil Judge of Farrukhabad.
105	Do.	District of Ghazipur	...	Ghazipur	...	Ditto	Civil Judge of Ghazipur.
106	Do.	District of Gonda	...	Gonda	...	Ditto	Civil Judge of Gonda.
107	Do.	Ditto	...	Do.	...	Ditto	Additional Civil Judge of Gonda.
108	Do.	District of Gorakhpur	...	Gorakhpur	...	Small Cause Court Judge (Sl. No. 81) and Assistant Sessions Judge.	Small Cause Court Judge of Gorakhpur.
109	Do.	Ditto	...	Do.	...	Assistant Sessions Judge.	Civil Judge of Gorakhpur.
110	Do.	District of Deoria	...	Deoria	...	Ditto	Civil Judge of Deoria.
111	Do.	District of Hardoi	...	Hardoi	...	Ditto	Civil Judge of Hardoi.
112	Do.	District of Jaunpur	...	Jaunpur	...	Ditto	Civil Judge of Jaunpur.
113	Do.	District of Kanpur	...	Kanpur	...	Small Cause Court Judge (Sl. No. 82) and Assistant Sessions Judge.	Small Cause Court Judge of Kanpur.
114	Do.	The City of Kanpur comprising the Municipal and Cantonment areas	...	Do.	...	Assistant Sessions Judge.	1st Civil Judge of Kanpur.
115	Do.	The District of Kanpur (excluding the area comprising the City of Kanpur)	...	Do.	...	Ditto	2nd Civil Judge of Kanpur.
116	Do.	District of Lucknow	...	Lucknow	...	Small Cause Court Judge (Sl. No. 83) and Assistant Sessions Judge.	Small Cause Court Judge of Lucknow.

117	Do.	Ditto	...	Do.	...	Additional Cause Court Judge (Sl. No. 84) and Assistant Sessions Judge.	Small Cause Court Judge of Lucknow.
118	Do.	Thana Hazratganj, Cantonment, Kaiser Bagh and tahsil Lucknow with the exception of Thanas Chowk, Wazirganj, Hasanganj, Sadatganj and Alambagh in the district of Lucknow	...	Do.	...	Assistant Sessions Judge.	Civil Judge of Lucknow.
119	Do.	Thanas Chowk Wazirganj and tahsil Mohnalaiganj in the district of Lucknow	...	Do.	...	Ditto	Civil Judge of Mohanlal-ganj at Lucknow.
120	Do.	Thanas Hasanganj, Sadatganj and Alambagh and tahsil Malihabad in the district of Lucknow	...	Do.	...	Ditto	Civil Judge of Malihabad at Lucknow.
121	Do.	District of Mainpuri	...	Mainpuri	...	Ditto	Civil Judge of Mainpuri.
122	Do.	District of Mathura	...	Mathura	...	Ditto	Civil Judge of Mathura.
123	Do.	Tahsils Meerut, Mowana, Sadhana and Hapur	...	Meerut	...	Small Cause Court Judge (Sl. No. 85) and Assistant Sessions Judge.	Small Cause Court Judge of Meerut.
124	Do.	District of Meerut	...	Do.	...	Small Cause Court Judge (Sl. No. 85) and Assistant Sessions Judge.	Small Cause Court Judge of Meerut.
125	Do.	District of Meerut	...	Meerut	...	Small Cause Court Judge (Sl. No. 85) and Assistant Sessions Judge.	2nd Civil Judge at Meerut.
126	Ditto	Tahsils Moradabad and Thakurdwara and the area over which the Munsif of Amroha has jurisdiction	...	Moradabad	...	Small Cause Court Judge (Sl. No. 86) and Assistant Sessions Judge.	Small Cause Court Judge of Moradabad.
127	Ditto	District of Moradabad	...	Do.	...	Assistant Sessions Judge.	Civil Judge of Moradabad.
128	Ditto	District of Bijnor	...	Bijnor	...	Ditto	Civil Judge of Bijnor.

129	Civil Judge	District of Rae Bareilly	...	Rae Bareilly	...	Asstt. Sessions Judge	...	Civil Judge of Rae Bareilly.
130	Ditto	District of Saharanpur	...	Saharanpur	...	Ditto	...	1st Civil Judge of Saharanpur.
131	Ditto	Ditto	...	Do.	...	Ditto	...	2nd Civil Judge of Saharanpur.
132	Ditto	District of Shahjahanpur	...	Shahjahanpur	...	Ditto	...	Civil Judge of Shahjahanpur.
133	Ditto	District of Sitapur	...	Sitapur	...	Ditto	...	Civil Judge of Sitapur.
134	Ditto	District of Kheri	...	Lakhimpur	...	Ditto	...	Civil Judge of Kheri.
135	Ditto	District of Unnao	...	Unnao	...	Ditto	...	Civil Judge of Unnao.
136	Munsif	The area comprising tahsil and city of Agra in the district of Agra.	...	Agra	...	Ditto	...	Munsif at Agra.
137	Do.	The area comprising the district of Agra excluding the portion in the jurisdiction of the Munsif. Agra	...	Do.	...	Ditto	...	Munsif of Fatehabad at Agra.
138	Do.	Tahsil Aligarh with the exception of pargana Morthal in the district of Aligarh	...	Aligarh	...	Ditto	...	Munsif, Koil at Aligarh.
139	Do.	Pargana Morthal in tahsil Aligarh, and tahsils Atrauli, Iglas, Khair and Sikandra Rao with the exception of tappa Hasain, in the pargana Sikandra Rao in the district of Aligarh	...	Do.	...	Ditto	...	Munsif, Haveli at Aligarh.
140	Do.	Tahsil Hathras and tappa Hasain in pargana Sikandra Rao in tahsil Sikandra Rao in the district of Aligarh	...	Hathras	...	Ditto	...	Munsif at Hathras.
141	Do.	Tahsils Allahabad, Sirathu and Manjhanpur in the district of Allahabad	...	Allahabad	...	Ditto	...	Munsif, West at Allahabad.
142	Do.	Tahsils Soraon, Phulpur, Handia, Karchhana, Bara and Meja in the district of Allahabad	...	Do.	...	Ditto	...	Munsif, East at Allahabad.

143	Do.	The district of Mirzapur with the exception of (1) the tappes of Agori Khas and South Kon in the pargana Agori; (2) the tappa of Singrauli in the pargana of Singrauli; (3) the tappes of Phulwa, Dudhi and Barha in the pargana of Bichpal; (4) the portion lying to the south of the Kaimur Range	Mirzapur	..	Ditto	..	Munsif at Mirzapur.
144	Do.	Tahsil Nizamabad, pargana Atrauli in tahsil Phulpur and pargana Kariat Nittu in tahsil Muhammadabad in the district of Azamgarh	Azamgarh	..	Ditto	..	Munsif City at Azamgarh.
145	Do.	Tahsil Lalgarh, parganas Kauria .. and Mahul in tahsil Phulpur, pargana Charia Kot in tahsil Muhammadabad and pargana Gopelpur in tahsil Segri in the district of Azamgarh	Do.	..	Ditto	..	Munsif Haveli at Azamgarh.
146	Do.	Parganas Muhammadabad and Maunathbhanjan in tahsil Muhammadabad, pargana Segri in tahsil Segri and parganas Ghosi and Nathpur in tahsil Ghosi in the district of Azamgarh	Do.	..	Ditto	..	Munsif of Muhammadabad at Azamgarh.
147	Do.	Pargana Bahraich in tahsil Bahraich and tahsil Nanpara in the district of Bahraich	Bahraich	..	Ditto	..	Munsif at Bahraich.
148	Do.	Parganas Ikauna, Bhinga and Talsipur in tahsil Bahraich and tahsil Kaiserganj in the district of Bahraich	Do.	..	Ditto	..	Munsif Kaiserganj at Bahraich.
149	Do.	So much of the Banaras District .. as lies within the limits of the Banaras Municipality	Banaras	..	Ditto	..	Munsif City at Banaras.

150	Do.	The Banaras District (which now includes pargana Mahnach in tahsils Chandauli, Ramnagar and Chakia) except so much of it as lies within the limits of the Banaras Municipality	Do.	..	Ditto	..	Munsif Haveli at Banaras.
151	Do.	Bhadohi in Banaras District	Gyanpur	..	Ditto	..	Munsif Bhadohi at Gyanpur.
152	Do.	Chakia in Banaras District	Chakia	..	Ditto	..	Munsif at Chakia.
153	Do.	Tahsil Ram Sanehighat and parganas Haidergarh and Subaha of tahsil Haidergarh in the district of Bara Banki	Bara Banki	..	Ditto	..	Munsif (Ram Sanehighat at Bara Banki).
154	Do.	Tahsils Fatehpur and Nawabganj, and pargana Siddhapur of tahsil Haidergarh in the district of Bara Banki	Do.	..	Ditto	..	Munsif at Bara Banki.
155	Do.	Tahsil Faridpur in the district of Bareilly and so much of tahsil Bareilly in the district of Bareilly as is within the limits of the Bareilly Municipality as defined by notification issued under the United Provinces Municipalities Act, No. II of 1916 or under any enactment for the time being in force	Bareilly	..	Ditto	..	Munsif City at Bareilly.
156	Munsif	Tahsils Aonla, Nawabganj and Baheri and so much of tahsil Bareilly as lies without the limits of the Bareilly Municipality as defined by notification issued under the United Provinces Municipalities Act, No. II of 1916 or under any other enactment for the time being in force	Bareilly	...	Assistant Sessions Judge	...	Munsif Haveli at Bareilly.

156-A	Do.	In the district of Bareilly	...	Do.	...	Ditto	...	Ditto
157	Do.	District of Pilibhit	...	Pilibhit	...	Ditto	...	Munsif at Pilibhit.
158	Do.	Parganas Amroha, Basti East, Basti West and tappa Ganeshpur or Nagar East.	...	Basti	...	Ditto	...	Munsif at Basti.
159	Do.	Parganas Maghar West, Maghar East, Mahuli East and Mahuli West and Nagar East except tappa Ganeshpur	...	Do.	...	Ditto	...	Munsif of Khalilabad at Basti.
160	Do.	Parganas Banai (East). (West), Rasulpur and Banyakpur, Naugarah	...	Bansi	...	Ditto	...	Munsif at Bansi.
161	Do.	Tahsils Budaun and Gunnaur in the district of Budaun.	...	Budaun	...	Ditto	...	Munsif of Budaun.
162	Do.	Tahsils Bisanli, Sahaswan and Dataganj in the district of Budaun	...	Do.	...	Ditto	...	Munsif, Bisauli at Budaun.
163	Do.	Tahsil of Bulandshahr	...	Bulandshahr	...	Ditto	...	I Munsif at Bulandshahr.
164	Do.	Parganas Anupshahr and Ahar in tahsil Anupshahr and tahsil Sikandrabad	...	Do.	...	Ditto	...	II Munsif at Bulandshahr.
165	Do.	Pargana Dihai in tahsil Anupshahr and tahsil Khurja in the district of Bulandshahr.	...	Khurja	...	Ditto	...	Munsif at Khurja.
166	Do.	Tahsils Etah, Aliganj and Jalesar in the district of Etah	...	Etah	...	Ditto	...	Munsif at Etah.
167	Do.	Tahsil Kasganj in the district of Etah	...	Kasganj	...	Ditto	...	Munsif at Kasganj.
168	Do.	Tahsils Faizabad and Tanda in the district of Faizabad	...	Faizabad	...	Ditto	...	Munsif, North at Faizabad.
169	Do.	Tahsil Bikapur and Akharpur in the district of Faizabad	...	Do.	...	Ditto	...	Munsif, South at Faizabad.
170	Do.	Tahsil Musafirkhana and pargana Baurusa of tahsil Sultanpur and pargana Aldemau of tahsil Kadipur in the district of Sultanpur	...	Sultanpur	...	Ditto	...	Munsif, North at Sultanpur.

171	Munsif	Tahsil Amethi and pargana Miranpur of tahsil Sultanpur and pargana Chaudra of tahsil Kadipur in the district of Sultanpur	...	Sultanpur	...	Asst. Sessions Judge ...	Munsif, South at Sultanpur.
172	Do.	Tahsil Farrukhabad excluding parganas Shamshabad East, Imratpur and Mohanmadabad in tahsil Farrukhabad.	...	Fatehgarh	...	Ditto	Munsif Haveli at Farrukhabad.
173	Do.	Tahsil Kaimganj and parganas Shamshabad East, Imratpur and Mohanmadabad in tahsil Farrukhabad	...	Do.	...	Ditto	Munsif Haveli at Farrukhabad.
174	Do.	Mahsils Kanaulj (including Kanaulj) (at late tahsil Tirwa) and Chhibra Mau, Sarai Miran in the district of Farrukhabad	...	Do.	...	Ditto	Munsif at Kanaulj.
175	Do.	Parganas Ghazipur and Zamania in tahsil Ghazipur and pargana Karanda in tahsil Saidpur in the district of Ghazipur	...	Ghazipur	...	Ditto	Munsif at Ghazipur.
176	Do.	Parganas Saidpur, Behariabad, Khanpur and Shadiabad in tahsil Saidpur and pargana Pachotar in tahsil Muhamadabad in the district of Ghazipur.	...	Do.	...	Ditto	Munsif of Saidpur at Ghazipur.
177	Do.	Tahsil Muhamadabad in the district of Ghazipur	...	Muhamadabad	...	Ditto	Munsif at Muhamadabad.
178	Do.	Parganas Ballia, Doaba and Gadha in the tahsil and district of Ballia	...	Ballia	...	Ditto	Munsif, East at Ballia.
179	Do.	Parganas Kharid, Sikanderpur (East and West) Bhadsan, Lakhesar and Kopachit (East and West) in Ballia, Rasara and Bansdih in the district of Ballia	...	Do.	...	Ditto	Munsif, West at Ballia.

180	Do.	Tahsil Gonda in the district of Gonda	...	Gonda	...	Ditto	...	Munsif at Gonda.
181	Do.	Tahsil Tarabganj in the district of Gonda	...	Do.	...	Ditto	...	Munsif Tarabganj at Gonda.
182	Do.	Tahsil Utraula in the district of Gonda	...	Do.	...	Ditto	...	Munsif of Utraula at Gonda.
183	Do.	Tahsil Maharajganj and tappas Aurangabad Uttar Haveli, Satgawan and Gahasand in pargana Maghar and tappas Haveli and Rent in pargana Bhawapur and pargana Haveli in tahsil Gorakhpur in the district of Gorakhpur	...	Gorakhpur	...	Ditto	...	Munsif at Gorakhpur.
184	Do.	The District of Deoria	...	Deoria	...	Ditto	...	Munsif at Deoria.
185	Do.	Tahsil Bangaon and tappas Bharsand, Bhandesarai, Suras Pachauri and Khajuri in pargana Meghar in tahsil Gorakhpur in the district of Gorakhpur	...	Bangaon	...	Ditto	...	Munsif at Bangaon.
186	Do.	Tahsils Sandila and Bilgram in the district of Hardoi	...	Hardoi	...	Ditto	...	Munsif, East at Hardoi.
187	Do.	Tahsils Hardoi and Shahabad in the district of Hardoi	...	Do.	...	Ditto	...	Munsif, West of Hardoi.
188	Do.	Tahsil Mariahu and parganas Ghiswa and Mungra in tahsil Machhlishahar in the district of Jaunpur	...	Do.	...	Ditto	...	Munsif at Jaunpur.
189	Do.	Tahsil Jaunpur and pargana Garwara in tahsil Machhlishahar in the district of Jaunpur	...	Jaunpur	...	Assistant Sessions Judge.	...	Munsif City at Jaunpur.
190	Do.	Tahsils Shahganj and Kerkat in the district of Jaunpur	...	Do.	...	Ditto	...	Munsif of Shahganj at Jaunpur.
191	Do.	Tahsils Mau, Garautha, Moth and Jhansi	...	Jhansi	...	Ditto	...	Munsif at Jhansi.
192	Do.	Tahsils Lalitpur and Mahorni in the district of Jhansi.	...	Lalitpur	...	Ditto	...	Munsif at Lalitpur.

	Munsif	The District of Banda	Banda	Asst. Sessions Judge	Munsif at Banda.
193	Munsif	The District of Banda	...	...	Munsif at Banda.
194	Do.	The District of Hamirpur	...	...	Munsif at Hamirpur.
195	Do.	The District of Jalaun	...	...	Munsif at Orai.
196	Do.	The City of Kanpur comprising the Municipal and Cantonment areas.	Kanpur	...	Munsif City Kanpur.
197	Do.	The District of Kanpur excluding the area comprising the city of Kanpur	Do.	...	Munsif Haveli at Kanpur.
198	Do.	The District of Fatehpur	Fatehpur	...	Munsif et Fatehpur.
199	Do.	Naini Tal and Tarai Bhabar Sub-Division in the district of Nainital	Naini Tal Hal-dwani.	...	Munsif at Naini Tal.
200	Do.	Kashipur Sub-Division in the district of Nainital	Kashipur	...	Munsif at Kashipur.
201	Do.	Pali Sub-Division in the district of Almora	Ranikhet	...	Munsif at Ranikhet.
202	Do.	Baramandal Sub-Division in the district of Almora	Almora	...	Munsif at Almora.
203	Do.	Pithoragarh and Lohaghat Sub-Division in the district of Almora	Pithoragarh and Lohaghat	...	Munsif at Pithoragarh.
204	Do.	Pauri and Chamoli Sub-Divisions in the district of Garhwal	Pauri and Chamoli	...	Munsif at Pauri.
205	Do.	Lansdowne Sub-Division in the district of Garhwal	Lansdowne	...	Munsif at Lansdowne.
206	Do.	Ganesganj, Hazratganj and Deulaiganj Wards in the city of Lucknow	Lucknow	...	Munsif of South at Lucknow.
207	Do.	Tahsil Lucknow with the exception of Lucknow Municipal area and tahsils Mohanlalganj and Malhabad in the district of Lucknow	Do.	...	Munsif Haveli et Lucknow.
208	Do.	Chauk, Yahiyaganj, Wazirganj, and Saadatganj wards in the city of Lucknow	Do.	...	Munsif, North at Lucknow.

209	Do.	Tahsils Bhongaon and Karhal and parganas Mainpuri and Karauli in tahsil Mainpuri in the district of Mainpuri	..	Mainpuri	..	Ditto	..	Munsif at Mainpuri.
210	Do.	Tahsils Shikohabad and Mus- tafabad add pargana Giror in tahsil Mainpuri in the dis- trict of Mainpuri	..	Shikohabad	..	Ditto	..	Munsif at Shikohabad.
211	Do.	The District of Etawah	..	Etawah	..	Ditto	..	Munsif at Etawah.
212	Do.	Tahsils Mathura and Chhata in the district of Mathura	..	Mathura	..	Ditto	..	Munsif at Mathura.
213	Do.	Tahsils of Sadabad and Mat in the district of Mathura	..	Do	..	Ditto	..	Munsif of Mahaban at Mathura.
214	Do.	Tahsil of Meerut in Meerut Dis- trict and the entire municipal area of Meerut City	..	Meerut	..	Ditto	..	Munsif City at Meerut.
215	Do.	Tahsils of Mawana, Hapur and Sardhana in the district of Meerut	..	Do.	..	Ditto	..	Munsif Haveli at Meerut.
216	Do.	Tahsils Ghaziabad and Bagh- pat in the district of Meerut	..	Ghaziabad	..	Ditto	..	Munsif at Ghaziabad.
217	Do.	Tahsils Ghaziabad and Baghpat in the district of Meerut	..	Do.	..	Ditto	..	Additional Munsif at Ghaziabad.
218	Do.	Tahsils Muzaffarnagar and Jansath and parganas Shikar- pur and Budhana in tahsil Budhana in the district of Muzaffarnagar	..	Muzaffarnagar	..	Ditto	..	Munsif at Muzaffarnagar.
219	Do.	Tahsils Kairana and Budhana .. excluding parganas Shikarpur and Budhanain tahsil Budhana in the district of Muzaffar- nagar.	..	Kairana	..	Ditto	..	Munsif at Kairana.
220	Do.	Tahsils Moradabad and .. Thakurdwara	..	Moradabad	..	ditto	..	unsif at Moradabad.
221	Do.	The whole of the Moradabad .. judgeship	..	Movable within the Moradabad Judgeship	..	Ditto	..	Additional Munsif Morad- abad Judgeship.

222	Munsif	Tahsil Bijnor, pargana Burpur in tahsil Dhampur and parganas Kirtapur and Akbarabad in tahsil Najibabad in the district of Bijnor	Bijnor	..	Asst. Sessions Judge ..	Munsif at Bijnor.
223	Do.	Tahsil Nagina, parganas Dhamput, Seohara and Nihaur in tahsil Dhampur and pargana Najibabad in the district of Bijnor	Nagina	..	Ditto	Munsif at Nagina.
224	Do.	Tahsil Amroha and those villages in the Hasanapur pargana which are not within the local limits of the jurisdiction of the court of the Munsif of Sambhal in the district of Moradabad	Amroha	..	Ditto	Munsif at Amroha
225	Do.	Those villages in Sambhal tahsil which are not within the local limits of the jurisdiction of the Court of the Munsif of Chandausi and the revenue area of tahsil Hasanpur situated south of the line formed by the following villages and including these villages : Jihal, Dehra, Bala Nagal, Jarpura Sherki, Iradatpur, Rajpur, Galsua, Mirzapur, Sherki, Bijai, Khara Khurd, Bijai, Khara Kelan, Paharpur, Bakkal, Kanaitha, Daulatpur, Jalal, Hakimpur, Banka Kalan, Banka Khurd, Banka Medaripur, Sutsoli Nawabpur Khadar, Bartaura Khalsa Jallapur, Jallapur (Alluvial) in the district of Moradabad	Sambhal	..	Ditto	Munsif at Sambhal.

226	Munsif	Tahsil Bilari, together with the revenue area of tahsil Sambhal situated south of the line formed by the following villages but excluding these villages. Afzalpur, Darauli, Pahladpur, Alipur Buzurg, Kasipur, Jagraut, Kazi Bihta, Nagla Khakam, Ishakpur, Ahmadnagar, Tharasa, Rahimanpur, Ghosipura, Fatehpur, Uttaman, Mahura Lakhpura, Dharata, Mau Bhur, Sanjua, Bichpuri, Mustafabad, Tatarpur, Ghosi, Sikanderpur, Karchuli, Faridpur, Kalyan, Kamalpur Khanpura, Shankarpur, Taranpur, and Lakhanpur in the district of Moradabad.	Chandausi	...	Asst. Sessions Judge.	Munsif at Chandausi.
227	Do.	Tahsila Rae Bareilly and Mahraiganj in the district of Rae Bareilly.	Rae Bareilly	...	...	Munsif at Rae Bareilly.
228	Do.	Thasils Dalmau and Salon in the district of Rae Bareilly.	Do.	...	...	Munsif Dalmau of Rae Bareilly.
229	Do.	Tahsil Pratapgargh in the district of Pratapgargh.	Pratapgargh	...	...	Munsif at Pratapgargh.
230	Do.	Tahsils Kunda and Patti in the district of Pratapgargh.	Do.	...	...	Munsif Kunda at Pratapgargh.
231	Do.	Rampur	Rampur	...	...	Munsif at Rampur.
232	Do.	Parganas Saharanpur, Faizabad and Haraura in tahsil Saharanpur.	Saharanpur	...	...	Munsif City at Saharanpur.
233	Do.	Pargana Muzaffarabad in tahsil Saharanpur, the entire tehsil of Nakur and parganas Roorkee, Bhagwanpur and Jalalpur in tahsil Roorkee in district of Saharanpur.	Do.	...	...	Munsif Haveli at Saharanpur.
234	Do.	Tahsil Deoband and pargana Manglaur in tahsil Roorkee in the district of Saharanpur.	Deoband	...	...	Munsif at Deoband.

	Munsif	District of Dehra Dun with the exception of the Mussoorie Sub-Division, and the part scheduled under the Scheduled District Act (No. XIV of 1871).	Dehra Dun	...	Asst. Sessions Judge.	Munsif at Dehra Dun.
235						
236	Do.	The district of Shahjahanpur ...	Shahjahanpur	...	...	Munsif at Shahjahanpur.
237	Do.	Tahsil Sitapur and parganas Chandra, Misrikh, Maholi, Aurangabad, of tahsil Misrikh in the district of Sitapur.	Sitapur	...	...	Munsif at Sitapur.
238	Do.	Tahsils Biswan and Sidhau and parganas Koroua, Gondlaman and Machhrehta of tahsil Misrikh in the district of Sitapur	Do.	...	...	Munsif Biswan at Sitapur.
239	Do.	Tahsils Muhamdi, Nighasan and Lakhimpur in the district of Kheri.	Lakhimpur	...	...	Munsif of Kheri at Lakhimpur.
240	Do.	Parganas Paryar and Sikandarpur of tahsil Unnao and tahsils Hasanganj and Safipur in the district of Unnao.	Unnao	..	..	Munsif, North at Unnao.
241	Do.	Parganas Unnao and Harha of tahsil Unnao, and tahsil Purwa in the district of Unnao.	Do.	..	..	Munsif, South at Unnao.

U. P. CHILDREN ACT, 1951

(U. P. Act No. I of 1952)

Notification No. Pro.—720/VI-1043 (1)-55—dated August 31, 1956, published in *Uttar Pradesh Gazette*, dated October 20, 1956, Part I, Page No. 1389.

In exercise of the powers conferred by sub-section (4) of Section 1 of the Uttar Pradesh Children Act, 1951 (U. P. Act No. I of 1952), the Governor is pleased to order that the provisions of Section 34 of the afore-said Act shall come into force in the districts of Varanasi and Agra with effect from September 1, 1956.

UTTAR PRADESH CINEMAS (REGULATION) ACT, 1955

(U. P. Act No. III of 1956)

Notification No. 1633-A/III-7 (47)/52 dated June 23, 1956, published in *U. P. Gazette* Part I-A, dated May 19, 1956.

In exercise of the powers conferred by sub-section (3) of Section 1 of the Uttar Pradesh Cinemas (Regulation) Act, 1955 (U. P. Act No. 3 of 1956), the Governor of Uttar Pradesh is pleased to appoint June 25, 1956 as the date with effect from which the said Act, shall come into force in the whole of Uttar Pradesh.

U. P. CONSOLIDATION OF HOLDINGS ACT, 1953

(U. P. Act No. V of 1954)

AMENDMENT TO RULES

U. P. Consolidation of Holdings Rules, 1954, have been amended very exhaustively by various notifications since the publication of Vol. I. Therefore complete rules incorporating all the amendments up to December 1957, have been separately published which are available with the publishers at Rs. 2/8/- per copy, packing and postage extra. If required please send for your copy immediately.

U. P. CONTROL OF SUPPLIES (TEMPORARY POWERS) ACT, 1953

(U. P. Act No. XXII of 1953)

NOTIFICATION**U. P. BRICKS CONTROL ORDER, 1956**

Made under Notification No. 3754/XXIX-BD(1)-56 DE-56 dated June 18, 1956, published in *U. P. Gazette* Part A, dated June 23, 1956.

In exercise of the powers conferred by Section 3 of the U. P. Control of Supplies (Temporary Powers) Act, 1947 (U. P. Act II of 1947) as

re-enacted under Section 2 of the U. P. Control of Supplies (Temporary Powers) Act, 1953 (U. P. Act No. XXII of 1953) and continued in force by U. P. Act VIII of 1955, and all other powers in that behalf, the Governor, Uttar Pradesh is pleased to make the following Order :

1. Short title, extent and commencement.—(1) This order may be called the U. P. Bricks Control Order, 1956.

(2) It shall extend to the whole of Uttar Pradesh.

(3) It shall come into force at once.

2. Definitions.—In this Order, unless there is anything repugnant in the subject or context ;

(a) “Bricks” means any bricks burnt with coal, firewood or other kind of fuel but does not include fire bricks or refractory bricks ;

(b) “Brick-kiln” means any kiln and the premises appurtenant thereto, at which bricks are manufactured ;

(c) “Coal” includes coke but does not include cinder or ashes ;

(d) “District Magistrate” includes the Additional District Magistrate, the District Supply Officer, and any other officer authorized by the District Magistrate to perform any of his functions under this Order.

(e) “State Government” means the Government of Uttar Pradesh.

3. Burning of bricks.—(1) No person shall, except as provided in the U. P. Coal Control Order, 1955 burn bricks with coal.

(2) No person shall burn bricks with firewood or any other kind of fuel except with the permission of the District Magistrate previously obtained in writing ; provided that such permission shall not be necessary if a person burning bricks requires them for his own use.

4. Fixation of price.—(1) The District Magistrate may by general or special order fix :

(a) the maximum prices at which different classes of bricks, may be sold by any person ; and

(b) the maximum quantity which may in one transaction be sold to any person :

Provided that different prices and different quantities may be fixed in respect of any class of bricks under clause (1) for different localities, having regard to the conditions of trade.

(2) No person shall sell bricks at a price exceeding the price or in excess of the maximum quantity fixed under clause (1).

5. The District Magistrate may, by a general or special order in writing, require any person holding stock of bricks, to sell such bricks on permits issued by him, to such person and in such manner as may be specified, provided that nothing contained in this clause shall apply to any bricks burnt or acquired by any person for his own use in accordance with the provisions of this order.

6. An appeal against the order of the District Magistrate passed under clauses 4 and 5 shall lie to the Provincial Iron and Steel Collector, U. P., within thirty days of the receipt of the order. The orders passed by the Provincial Iron and Steel Controller, Uttar Pradesh, Kanpur, under this clause shall, except as provided in sub-clause (a) be final and conclusive ;

(a) The State Government may call for the record of any case decided under this order and make such order as appears to it necessary for the ends of justice.

7. **Refusal to sell.**—No person shall, without sufficient cause :

(a) refuse to sell bricks held or displaced by him for sale, at the price fixed by the District Magistrate and up to the quantity, if any, fixed by him ; or

(b) refuse to sell any bricks in accordance with the general or special order made by the District Magistrate under clause 5.

Explanation.—Refusal to sell bricks of any particular class or classes demanded by the purchaser shall be deemed to be a refusal to sell, under this clause.

8. **Account, information and powers of search and seizures.**—The District Magistrate, may, with a view to carry out the provisions of this order, by a general or special order—

(1) require the proprietor or manager of any brick-kiln or any other person carrying on business of sale of bricks ;

(a) to maintain such record and furnish such information as may be specified in the order ;

(b) to produce to such authority as may be specified in the order any books, accounts or other documents, relating to the manufacture, sale or disposal of bricks ;

(2) inspect or cause to be inspected any books or other documents relating to such bricks or brick-kiln.

(3) enter or search, or authorize any person to enter or search, the premises of any brick-kiln ;

(4) seize, or, authorize any person to seize, any bricks in respect of which he has reason to believe that a contravention of this order has been committed or is likely to be committed and any books or other documents which are in his opinion relevant to prove the contravention and thereafter take or authorize the taking of all measures necessary for their safe custody and production in court.

9. **Penalty, punishment and forfeiture.**—If any person contravenes any of the provisions of this order or of any other order made thereunder, he shall be punishable under Section 6 of the U. P. Control of Supplies (Temporary Powers) Act, 1947 as re-enacted under Section 2 of the U. P. Control of Supplies (Temporary Powers) Act, 1953 and continued in force by Act VIII of 1957, with imprisonment for a term which may extend to three years or with fine or with both, and without prejudice to any other punishment to which he may be liable, any court trying the offence may direct that any bricks with respect to which the court is satisfied that the offence has been committed, shall be forfeited to the State Government.

10. THE U. P. BRICKS CONTROL ORDER, 1953 published in Fcod and Civil Supplies (B) Department Notification No. 4211/XXIX—BD(1), dated September 9, 1953, is hereby rescinded and the provisions of Section 6 of the U. P. General Clauses Act, 1904, shall apply to the rescission of the order as if it had been an Act repealed by an U. P. Act.

11. Any order made under the U. P. Bricks Control Order, 1953, and in force immediately before the commencement of this order, shall continue in force and all permits granted or directions issued under the said order, and in force immediately before the commencement of this order, shall likewise continue in force and be deemed to be granted or issued under the corresponding provisions of this order.

THE CO-OPERATIVE SOCIETIES ACT, 1912

NOTIFICATION

No. 4195-C (ii)/XII-C—325-56 dated March 11, 1957, published in *U. P. Gaz.* Pt. I- A, dated March 16, 1957.—In continuation of Government Notification no. 4195-C/XII-C-325-56,—dated October 31, 1956, and in exercise of the powers conferred by Section 43 of the Co-operative Societies Act, 1912 (II of 1912), the Governor of Uttar Pradesh is pleased to make the following amendment in rule 133 of the U. P. Co-operative Societies Rules, 1936 :

Amendment

After the existing rule 133 of the U. P. Co-operative Societies Rules, 1936, contained in the Manual for Co-operative Societies, the following shall be added as a new rule 133 A :

“133-A. Any party considering itself aggrieved by the orders passed in appeal by an Assistant Registrar or District Co-operative Officer against an award, may appeal to the Registrar within 45 days of the date of the communication of the orders passed in appeal by an Assistant Registrar or District Co-operative Officer and the Registrar shall pass such order as he deems fit provided that the time taken in obtaining a copy of the orders passed in appeal by an Assistant Registrar or District Co-operative Officer shall be excluded in counting the period of 45 days.”

U. P. COTTON GINNING AND PRESSING FACTORIES ACT, 1949

(U. P. Act No. IX of 1949)

RULES

No. 4510/XII-B—513-50 dated March 12, 1957, published in *U. P. Gaz.* Pt. I-A, dated March 23, 1957.—In exercise of the powers conferred by Section 18 of the U. P. Cotton Ginning and Pressing Factories Act, 1949 (U. P. Act No. IX of 1949) the Governor, Uttar Pradesh, is pleased to make the following rules, the same having been previously published for objections in Notification no. 3587/XII-B—613-50, dated July 12, 1955, as required by sub-section (2) of the said section.

RULES

1. **Short title.**—The rules may be called “The Uttar Pradesh Cotton Ginning and Pressing Factories Rules, 1954.”

2. **Allotment of a special mark to be used by each pressing factory for the purpose of the marking of bales.**—(1)(a) The owner or occupier of every Cotton Pressing Factory shall,

(i) in the case of factories already in existence but not possessing any special mark—within thirty days of the commencement of these Rules; and

(ii) in the case of factories commencing work after the coming in force of these Rules—within one month before the commencement of work, apply to the Director of Agriculture, Uttar Pradesh, in the manner prescribed under rule 7, for the allotment of a mark to be used for marking bales of such factory:

Provided that the Director of Agriculture, Uttar Pradesh, may, at any time on his own initiative, allot the mark to be used in a factory in respect of which no application has been made; and intimation of this shall be given to the owner or occupier of such factory within ten days of the order of allotment.

(b) The special mark allotted to such factory shall begin with the serial number allotted to the factory along with the letter “U” and followed by the last two integers of the calendar year in which the cotton year has commenced together with the running number of the bales according to the Press Factory Register with a star inter-posed between the two and it shall be non-transferable and shall cease to be used on transfer of the factory to an area outside Uttar Pradesh.

Illustration

In the case of a bale pressed at a factory in Uttar Pradesh in September, 1952, the special mark shall be as below :

On the hessian

1
6
1
U
5
2
*
3
4
5
6

161 U is the factory mark, 52 denotes the cotton year 1952, and 3456 is the running number of the bale pressed in the factory.

(2) the special mark shall be indelibly stencilled in clearly decipherably English figures and letters in ink on the lashed side of the bale,

Any variation of the firm suggested shall be deemed to be a non-compliance of the requirements of these Rules.

3. **Manner in which the returns referred to in Section 11 of the Act shall be published.**—The State Government shall publish monthly and weekly statements of compilation referred to in sub-sections (2) and (4) of Section 11 of the Act in the official *Gazette* in the prescribed forms given in the annexed Schedules “E” and “F”,

4. Forms in which registers, records and returns are to be maintained or submitted.—The following registers shall be maintained by each ginning and pressing factory in the forms contained in the Schedules shown against each :

Schedule

Serial No.	Name of Registers	Schedule containing the forms
1	2	3
1	Ginning Register	Schedule A
2	Pressing Register	Do. B
3	Monthly return of cotton ginned	Do. C
4	Weekly returns of cotton pressed	Do. D

5. Cotton admixture.—An admixture of cotton shall mean such combination of different varieties of cotton in respect of any area as may, from time to time, be notified by the State Government in the official *Gazette*.

6. Cotton season.—The period from September 1 to August 31, shall constitute the cotton ginning and pressing season for the State of Uttar Pradesh.

7. Authority by whom, the form in which the conditions subject to which and the fee on payment of which, a licence may be granted under sub-section (1) of Section 4 of the Act.—(1) The Director of Agriculture, Uttar Pradesh, Lucknow, shall grant licences in the forms given in Schedule H or I, as the case may be, for cotton ginning and cotton pressing factories, subject to fulfilment of the conditions and rules given hereunder :

- (a) An application for the grant of a licence shall be made by the owner of a cotton ginning or pressing factory, as the case may be, in the prescribed form in Schedule "G" which can be available from the officers of the District Offices or of the Director of Agriculture, Uttar Pradesh, Lucknow, on payment of rupee one for each form.

Note.—The cost of the application form for licence for cotton ginning or cotton pressing factories so realized shall be deposited into the treasury and credited to "XXIX-A—Agri.—Agri. Receipts—(K) Other Receipts—Agri.—Misc."

- (b) Applications shall be made to the Director of Agriculture, Uttar Pradesh, through the District Officer.

- (c) In forwarding the application, the District Officer shall ascertain and report (i) whether there is a need of a ginning / pressing factory in the locality, and (ii) whether the particulars given in the application form are, correct.

Note.—No new factory will ordinarily be permitted to be established within a radius of 5 miles of a working cotton ginning factory with 16 gins all over.

- (d) (i) The annual licence fee for a cotton ginning factory shall be as under :

(i) for factories having 4 gins or less	.. Rs. 10
(ii) for factories having 5 to 10 gins	.. Rs. 12
(iii) for factories having more than 10 gins	.. Rs. 15

- (ii) The annual licence fee for a cotton pressing factory shall be Rs. 10.
 (iii) The fee prescribed under (i) and (ii) above shall be deposited in the local treasury and credited to the head "XXIX-A—Agri.—

Agri. Receipts—(K) Other Receipts—Agri.—Misc. and shall not be refundable in any case.

- (e) Every application for licence of a cotton ginning / cotton pressing factory shall be supported by a treasury challan showing the payment of the prescribed fee under clause (d).
- (f) The applicant shall undertake to be a member of the Cotton Development Association or any such institution, if any, when organized under the auspices of the State Government for the improvement of cotton cultivation and quality in the localities where the ginning / pressing factory is situate.
- (g) The applicant shall undertake to intimate to the Director of Agriculture, Uttar Pradesh, whenever so desired by him, the quantities of cotton seeds variety-wise ginned by him.
- (h) The applicant shall undertake to maintain the purity and quality of the seed and to take due precautions in the ginning operations.
- (i) Every application for a licence of cotton ginning or pressing factory shall be accompanied by a certificate from the Inspector of Factories, Uttar Pradesh, within the local limits of whose jurisdiction such factory is situate, showing that the provisions of Section 14 of the Act have been complied with :

Provided that where the grant of the certificate referred to above, is likely to be delayed owing to the Inspector of Factories, Uttar Pradesh, within the local limits of whose jurisdiction such factory is situate showing that the provisions of Section 14 of the Act have been complied with :

Provided that where the grant of the certificate referred to above, is likely to be delayed owing to the Inspector of Factories not being able to verify whether the provisions regarding the structural requirements for factories under Section 14 of the Act have been complied with the Director of Agriculture, Uttar Pradesh, may, on payment of the prescribed fee, and on production of a certificate from the Chief Inspector of Factories that—

- (i) In case of cotton ginning factory the plans and specifications have been approved by him ; and
- (ii) in the case of cotton pressing factory, the flooring of the presshouse is suitable,

issue a provisional licence for the remaining period of the season.

(2) Where the original licence is lost or destroyed, a duplicate thereof may be granted on proof of the loss of original to the satisfaction of the Licensing Authority, and on the application for the same supported by a Treasury challan showing payment of the fee prescribed therefor as hereunder and fulfilment of the following conditions :

- (i) An application for the grant of a duplicate, licence shall be made to the Director of Agriculture, Uttar Pradesh, by the owner or lessee of the cotton ginning or pressing factory, as the case may be, in the form in Schedule G :
- (ii) The fee for issue of a duplicate licence which shall be Rs. 5 shall be deposited in the treasury and credited to the head "XXIX-A—Agriculture—Agricultural—Receipts—(K)—Other Receipts—Agriculture Misc."

8. Particulars of the register maintained under sub-section (1) of Section 5 of the Act.—The particulars mentioned in the forms in Schedules A and B shall be entered in the register maintained under sub-section (1) of Section 5 of the Act.

9. Proportion of seed which may be contained in the cotton.—The proportion of seed which may be contained in the cotton shall not exceed 1 per cent.

10. Persons authorized to give a certificate under Section 8 of the Act.—(1) The Director of Agriculture, Uttar Pradesh or his nominee shall be the person authorized to give a certificate as to the normal quantity of moisture which a given quantity of cotton should contain, and the quantity of moisture which it actually possesses;

(2) The certificate so given shall be based on an analysis of the cotton carried out at any Agricultural Research Station of the Agriculture Department, Uttar Pradesh; and

(3) The Director of Agriculture, Uttar Pradesh or his nominee, or any other gazetted officer empowered by the State Government in this behalf, would be the competent authority to examine bales or packages to determine the extent of the moisture.

11. Procedure for making complaints under sub-section (1) of Section 8 of the Act.—(1) A complaint for contravention of the provisions of Sections 6 and 7 of the Act in respect of particular consignment, package or bale, shall be made in writing to the District Officer concerned on water-marked paper affixed with court-fee stamp, as prescribed in sub-rule (2) hereunder and shall be accompanied by a sample of the cotton complained of.

(2) No such complaint shall be entertained unless it is on a court-fee stamp of the value of Rs. 10 in respect of each consignment or bale.

(3) The District Officer, or any first class Magistrate nominated by him in his behalf, shall personally attend to it and seal the sample in the manner prescribed in rule 12, place it in safe custody and forward the application with his preliminary report to the Director of Agriculture, Uttar Pradesh, in a registered cover, for examination.

(4) On receipt of the registered cover, the Director of Agriculture, Uttar Pradesh, shall depute a gazetted officer for the examination of the bales in respect of which the complaint has been made.

(5) The officer so deputed shall proceed immediately to the district concerned with previous appointment with the District Officer, who shall ensure the complainant's presence there. The officer shall open the sample in the presence of the complainant and also take samples from at least 10 per cent of the bales of the consignment and give intimation of the place where the samples are to be examined to the complainant, who, or his nominee, will be permitted to attend the examination of the samples so taken. A detailed report of the result of the examination shall be submitted to the Director of Agriculture, Uttar Pradesh, in a confidential cover, who shall upon consideration of the report then declare the result of the examination.

(6) No appeal shall lie against the decision of the Director in this regard.

12. Manner of sealing articles seized under Section 9.—Every article seized and required to be sealed under the Act, shall be sealed with the official seal of the officer sealing the same and, if the owner or the person in charge of the factory so desires, also with the seal, if any, which he may provide for this purpose.

13. Appointment of the authority to whom and the time within which the registers and returns required by Sections 5 and 11 of the Act shall be submitted.—(1) The Director of Agriculture, Uttar Pradesh,

shall be the authority to whom returns under section of the Act shall be submitted.

(2) The owner or occupier of a factory shall despatch to the office of the Director of Agriculture, Uttar Pradesh—

- (a) the monthly returns in the form prescribed in Schedule "C" so as to reach his office not later than the 5th day of the month following.
- (b) The weekly return for the week ending Friday and showing the total number of bales of cotton in the form prescribed in Schedule 'D' so as to reach his office not later than Monday following.
- (c) The last date of working in the season of a cotton ginning or pressing factory shall be stated in the last return.

14. Appointment of authorities for the purposes of Sections 12, 13 and 14 of the Act.—The Collector of the district in which the factory is situate shall be the prescribed authority for the purposes of Sections 12, 13, 14(3) and 14(5), the Chief Inspector of Factories shall be the prescribed authority for the purposes of Section 14(1) and (2) of the Act.

15. State Government's power to entry and inspection.—(1) The Director of Agriculture, Uttar Pradesh, or his nominee, (2) the District Magistrate or his nominee or any other officer specially empowered in this behalf by the State Government, may enter in any cotton ginning or cotton pressing factory at any time during the usual working hours and may make such inspection of the premises, machinery and of any prescribed registers as he may deem necessary for the purposes of the Act or of the rules framed thereunder.

16. Paving or flooring of factory.—The owner of every cotton pressing factory in which cotton is handled on the groundfloor shall cause the press-house to be paved, or otherwise provided with suitable flooring to the satisfaction of the Chief Inspector of Factories or and inspector acting under his orders within a period of two months from the date on which these rules come into force.

17. Miscellaneous.—(1) *Weights and Measures*—

- (a) No scale shall be used in any cotton ginning or pressing factory in Uttar Pradesh until it has been examined and certified as correct annually by the Chief Inspector of Factories, Uttar Pradesh, or by a Inspector of Factories acting under his orders.
- (b) Scales certified as correct shall be stamped at the time of inspection in such manner as may be prescribed by the Chief Inspector of Factories, Uttar Pradesh.
- (c) Only standard weights shall be used for the weighment of *Kapas*, ginned cotton or pressed cotton.

Note.—For this purpose, a maund will be equivalent to 82 2/7 lb. and a candy equivalent to 784 lb.

- (d) The weight of ginned or pressed cotton shall be converted into, and expressed in lb. avoirdupois in all returns required under the Act.

(2) *Exhibition of Press Marks*—

Every pressing factory shall exhibit in a conspicuous place a notice showing the press mark allotted to the factory.

SCHEDULE "A"

Form of Ginning Register

1. Licence No.....
2. Ginning Factory No.....
3. Season.....
4. Name of factory.....
5. Name of owner or occupier with his postal address.....
6. Name of registered lessee (if any)
with his postal address.....
7. Postal address of factory.....

Date Year Month Date	Name of owner of Cotton to be ginned with his complete address	Name of variety of Cotton to be ginned	Source of seed (from where purcha- sed)	Whether grown under irrigated or unirri- gated condi- tion	Yield per acre	Approx- imate quantity of seed kept for sowing	Quantity of seed cotton (<i>kapa</i>) for ginning	Quantity (by weight) of ginned cotton and seed with the name and postal address to whom it is handed over	Total quantity of Cotton seed along with the name and postal address to whom it is handed over	Signature of the person to whom the cotton seed is given	Signature of owner or person incharge of the factory	Remarks, if any
1	2	3	4	5	6	7	8	9	10	11	12	13

SCHEDULE "B"

Form of Press Register

1. Name of Factory.....
2. Licence No.....
3. Press Mark together with No. of Factory.....
4. Season.....
5. Name of owner or occupier.....
6. Name of registered lessee (if any).....
7. Postal Address of Factory.....

Date		Year		Month		Date		Day	
<p>Name and postal address of persons for whom cotton is pressed</p> <p>Total number of bales pressed</p> <p>Serial numbers of bales pressed</p> <p>Names of relevant varieties (excluding waste cotton) with No. of bales of each variety</p> <p>Waste cotton (with No. of bales)</p> <p>Average not weight per bale in lb. avoirdupois</p>									
<p>Cotton Lint (Perso American)</p> <p>Cotton Lint (U. P. Deshi)</p> <p>Cotton Waste</p>									
<p>Remarks if any</p>									
<p>Signature of the owner of the Factory or person authorized by him</p>									

SCHEDULE "C"

Return No. _____

District _____

(of the season).

Return of Cotton ginned for the month ending (last Friday of the month) on _____, 195
 [Return under Section 11(1) of U. P. Cotton Ginning and Pressing Factories Act, 1949].

1. Name of Ginning Factory _____
 2. Licence No. _____ Factory No. _____
 3. Name of owner or occupier _____
 4. Name of Registered Lessee (if any) _____
 5. Postal Address of Factory _____

Trade Description <i>Kapas</i> or <i>Lint</i>	Quantity (by weight) of cotton ginned during the month <i>Bojas</i> of 392 lbs. each	Quantity (by weight) of cotton ginned since the commencement of season i. e. 1st September, 195 <i>Bojas</i> of 392 lbs. each	Remarks
1	2	3	4

Place _____

Date _____

Signature of owner or person incharge.

SCHEDULE "D"

Return No. _____

Return of Cotton pressed for the week ending _____ 195

[Return under Section 11(3) of the U. P. Cotton Ginning and Pressing Factories Act, 1949].

1. Name of Pressing Factory _____
2. Licence No. _____ (3) Press Mark together with allotted Factory No. _____
4. Name of owner or occupier _____
5. Name of Registered Lessee (if any) _____
6. Postal Address of Factory _____

Trade Description	Number of bales pressed during the week	Average net weight per bale in lb. avoirdupois	Number of bales pressed since the commencement of the season i. e. 1st September, 195	Remarks
1	2	3	4	5

(a) Cotton Lint—

Names of relevant varieties :—

1. U. P. Deshi ..
2. Perso-American ..

Total ..

(b) Cotton waste—

Total ..

Grand Total ..

Place _____

Date _____

 (Signature of owner or person in charge).

SCHEDULE "E"

GINNING RETURN

Statement of Cotton ginned in Uttar Pradesh from the month ending on (last Friday of the month)

195

Under Section 11(2) of the U. P. Cotton Ginning and Pressing Factories Act, 1949]

Names of Division or block	Variety (Trade description)	Quantity (by weight) of cotton ginned (in bojas of 392 lbs. each)				
		During the month	During the corresponding month last year	Since the commencement of the season i. e. 1st September 195	During the corresponding period last year	
1	2	3	4	5	6	
1. Upper Doab (a)	.. (i) <i>Kapas</i> .. (ii) Lint	..	..	..	..
(b) Middle Doab (b)	.. (i) <i>Kapas</i> .. (ii) Lint	..	..	..	..
3. Lower Doab and Bundelkhand (c)	.. (i) <i>Kapas</i> .. (ii) Lint	..	..	..	..
4. Rohilkhand (d)	.. (i) <i>Kapas</i> .. (ii) Lint	..	..	..	..
5. Rest of the State (e)	.. (i) <i>Kapas</i> .. (ii) Lint	..	..	..	..
Total <i>Kapas</i>	..	..	..	..	..
Total Lint	..	..	..	..	..
Grand Total	..	..	..	..	..

District included in the block—

(a) Dehra Dun, Saharanpur, Meerut, Bulandshahr, Aligarh, Muzaffarnagar.

(b) Mathura, Farrukhabad, Etah, Agra, Mainpuri, Etawah.

(c) Kanpur, Fatehpur, Allahabad, Jhansi, Jalaun, Hamirpur, Banda.

(d) Hardoi, Shahjahanpur, Bareilly, Moradabad, Budaun, Bijnor, Pilibhit, Naini Tal, Almora, Garhwal, Rampur.

(e) Mirzapur, Varanasi, Jaunpur, Ghazipur, Azamgarh, Ballia, Gorakhpur, Basti, Gonda, Bahraich, Kheri, Sitapur, Unnao, Lucknow, Bara Banki, Rae Bareilly, Sultanpur, Faizabad, Pratapgarh, Deoria.

SCHEDULE "F"

Statement of Cotton pressed in Uttar Pradesh for the week ending _____ 195 .

[Section 11(4) of the U. P. Cotton Ginning and Pressing Factories Act, 1949]

Name of Division or block	Variety (Trade Description)	No. of bales pressed							District included in the block
		During the week	During the corresponding week last year	Since 1st September, 195 .	During the corresponding period last year				
1	2	3	4	5	6				7
Upper Doab	.. (a) (i) U. P. Deshi	..	..	..	..	..	..	..	Dehra Dun, Saharanpur, Meerut, Bulandshahr, Aligarh, Muzaffarnagar.
	.. (ii) Perso-American	..	..	..	..	..	..	..
	Total	..	..	..	..	..	..	..
Middle Doab	(b) Cotton Waste.								
	.. (a) (i) U. P. Deshi	..	..	..	..	..	..	..	Mathura, Farrukhabad, Etah, Agra, Mainpuri, Etawah.
	.. (ii) Perso-American	..	..	..	..	..	..	..
	Total	..	..	..	..	..	..	..
Lower Doab and khand	(b) Cotton Waste.								
	.. (a) (i) U. P. Deshi	..	..	..	..	..	..	..	Kanpur, Fatchpur, Allahabad, Jhansi, Jalaun, Hamirpur, Banda.
	.. (ii) Perso-American	..	..	..	..	..	..	..
	Total	..	..	..	..	..	..	..

1	2	3	4	5	6	7
4. Rohilkhand	(b) Cotton Waste.					
	.. (a) (i) U. P. Deshi	..	..	..	..	Hardoi, Shahjahanpur,
	(ii) Perso-American	..	..	..	..	Barcelly, Moradabad, Budaun, Bijnor, Pilibhit, Naini Tal, Almorā, Garhwal.
	Total	..	..	..	..
5. Rest of the State	(b) Cotton Waste.					
	.. (a) (i) U. P. Deshi	..	..	..	..	Mirzapur, Varanasi, Jaun-
	(ii) Perso-American	..	..	..	..	pur, Ghazipur, Azamgarh, Ballia, Gorakhpur, Basti, Gonda, Bahraich, Kheri, Sitapur, Unnao, Lucknow, Bara Banki, Rae Bareilly, Sultanpur, Faizabad, Pratapgarh, Deoria.
	Total	..	..	..	..
	(b) Cotton Waste.					
	Total (i) U. P. Deshi	..	..	..	..
	Total (ii) Perso-American	..	..	..	..
	Grand Total of (i) and (ii) above	..	..	..	..
	Total Cotton Waste	..	..	..	..

SCHEDULE "G"

Application form for issue of the Licence under Section 4 of the U. P. Cotton Ginning and Pressing Factories Act, 1949

1.	Name of the Factory (in block letters)	_____
2.	Name of the owner or occupier of the Factory (with father's name) (in block letters)	_____
3.	Kind of licence— (a) Provisional/Original/Duplicate copy (b) For Cotton Ginning Factory or Cotton Pressing Factory	_____
4.	Whether the certificate as required under rule (vii) (b) is attached herewith (to be filled in when applying for Provisional licence) ..	_____
5.	Licence No. of the original licence (to be filled in when applying for Duplicate Licence)	_____
6.	Licence No. and season of Licence issued to him previously	_____
7.	(a) Postal address of the Factory (b) Boundary of Factory	_____
	East—West—North—South—	_____
8.	Correct postal address of the owner of the Factory	_____
9.	Season for which licence is required	_____
10.	Ginning Factory No.	_____
11.	Number of Roller gins	_____

12. Press Mark together with the Factory's No.
13. Amount deposited as fee (in figures and words)
14. Treasury Challan No. attached with it
15. Any other particular necessary
- Dated the* _____, 195 .

*Signature of owner or
Registered Lessee (if any).*

I hereby certify that I have gone through the U. P. Cotton Ginning and Pressing Factories Act, 1949 and Rules framed thereunder from time to time and am bound to obey the same.

Dated-----

*Signature of the owner or occupier or Registered
Lessee (if any).*

I hereby certify that the Register and Form (s) of Return as prescribed under Section 5 (1) (a) and (b) and 11 (1) (3) of the Act are ready and they will be maintained as required in this Act.

Dated-----

*Signature of the owner or Registered
Lessee (if any).*

I undertake

- (i) to be a member of the Cotton Development Association or such other institution, if and when organized under the auspices of the State Government for the improvement of Cotton cultivation and quality in the locality where the Ginning and Pressing Factory is situated ;
- (ii) to intimate to the Director of Agriculture, U. P., whenever so desired by the Director of Agriculture, U. P., quantities of Cotton seeds variety-wise ginned by him ; and
- (iii) to take due precautions in the ginning operation to maintain the purity and quality of the seed.

Dated-----

*Signature of owner or occupier or the Registered
Lessee (if any).*

(To be signed only in case applying for Pressing Factory's Licence)

I hereby certify that the said factory is provided with the necessary equipment for the proper marking of the bales as prescribed in the rules framed under the U. P. Cotton Ginning and Pressing Factories Act, 1949,

Dated _____

*Signature of owner or the Registered
Lessee (if any).*

(To be filled in by the District Officer of the District in which the factory is situated)

I have checked the contents of this application and certify that all the formalities as laid down under rule (vii) (d) and (i) have been fulfilled.

Licence may be issued.

(Seal of the District Officer.)

Signature of the District Officer.

N. B.—Columns 10 and 11 shall be filled in case of applications for a Licence for Cotton Ginning Factory.

Column 12 shall be filled in case of applications for a Licence for Cotton Pressing Factory.

The Licence shall be delivered only to the owner (or the Lessee) of the Factory or such other person as he may authorize in his behalf, on presentation of (i) a letter of authority and (ii) his specimen signatures duly attested by the owner (or the Lessee).

No. _____ Factory No. _____
 SCHEDULE "H"
Department of Agriculture, Uttar Pradesh

Monogram

of

U. P. Government.

LICENCE FOR COTTON GINNING FACTORIES
 (Under Section 4 of the U. P. Cotton Ginning and
 Pressing Factories Act, 1949)

Season _____
 I hereby grant a provisional/duplicate licence
 for _____
 consisting _____ gins, situated at _____
 of which the owner is _____
 and registered lessee is _____
 This shall remain in force till August 31, 1955.

Boundary :

East—
 West—
 North—
 South—

Lucknow : *Director of Agriculture,
 Uttar Pradesh.*

Dated the , 195 .

LICENCE FOR COTTON GINNING FACTORIES
 (Under Section 4 of the U. P. Cotton Ginning and
 Pressing Factories Act, 1949)

Season _____
 I hereby grant a provisional/duplicate licence
 for _____
 consisting _____ gins, situated at _____
 of which the owner is _____
 and registered lessee is _____
 This shall remain in force till August 31, 1955.

Boundary :

East—
 West—
 North—
 South—

Lucknow : *Director of Agriculture,
 Uttar Pradesh.*

Dated the , 195 .

No. _____ Press Mark.

SCHEDULE "I"

Department of Agriculture, Uttar Pradesh

Monogram
of
U. P. Government.

LICENCE FOR PRESSING FACTORY

(Under Section 4 of the U. P. Cotton Ginning and Pressing Factories Act, 1949)

Season _____

I hereby grant a provisional/duplicate licence for _____ situated at _____ of which the owner is _____ and registered lessee is _____

This shall remain in force till August 31, 195 .

Boundary :

East—
West—
North—
South—

Lucknow :

Dated the 195 .

*Director of Agriculture,
Uttar Pradesh.*

No. _____

SCHEDULE "I"

Department of Agriculture, Uttar Pradesh

Monogram
of
U. P. Government.

LICENCE FOR PRESSING FACTORY

(Under Section 4 of the U. P. Cotton Ginning and Pressing Factories Act, 1949)

Season _____

I hereby grant a provisional/duplicate licence for _____ situated at _____ of which the owner is _____ and registered lessee is _____

This shall remain in force till August 31, 195 .

Boundary :

East—
West—
North—
South—

Lucknow :

Dated the 195 .

*Director of Agriculture,
Uttar Pradesh.*

U. P. FIRST OFFENDERS' PROHIBITION ACT, 1938

(U. P. Act No. VI of 1938)

NOTIFICATION

No. Pro. 47 (2)/VI—664-56 dated May 30, 1956, published in *U. P. Gaz.* Pt. 1, dated June 2, 1956.—In exercise of the powers conferred by clause (b) of sub-section (3) Section 1 of the U. P. First Offenders Prohibition Act, 1938 (Act VI of 1938), the Governor of Uttar Pradesh is pleased to direct that sub-sections (2), (3) and (4) of Section 4 and Sections 9, 10, 11 and 12 of the above Act shall come into force in the district of Shahjahanpur with effect from June 11, 1956:

U. P. GOVERNMENT LAND (EVICTION AND RENT RECOVERY) ACT, 1953

(U. P. Act No. XXIX of 1953)

NOTIFICATIONS

(1) No. 871/I.C-590-C-53 dated July 18, 1956.—In exercise of the powers conferred by sub-section (3) of Section 1 of the Uttar Pradesh Government Land (Eviction and Rent Recovery) Act, 1953 (U. P. Act No. XXIX of 1953), the Governor has been pleased to appoint August 1, 1956, as the date on which the said Act will come into force in the districts of Allahabad and Bareilly.

(2) No. 5069/I.C-151-52 dated August 23, 1956.—In exercise of the powers conferred by sub-section (3) of Section 1 of the Uttar Pradesh Government Land (Eviction and Rent Recovery) Act, 1953 (U. P. Act No. XXIX of 1953), the Governor has been pleased to appoint August 25, 1956, as the date on which the said Act will come into force in the district of Bijnor.

U. P. HABITUAL OFFENDERS' RESTRICTION ACT, 1952

(U. P. Act No. XXXVIII of 1952)

RULES

HOME DEPARTMENT

(*Police*)

Miscellaneous

No. 2587-R/VIII-B—62-B-55 dated July 15, 1957. Published in *U. P. Gaz.* Part 1-A, dated July 27, 1957.—In continuation of Notification no. 4675-R/VIII—B-62-B-55, dated August 9, 1955, it is hereby notified that the Governor has, in exercise of the power conferred by Section 20 of the Uttar Pradesh Habitual Offenders' Restriction Act, 1952 (Act XXXVIII of 1952), made the following rules for carrying into effect the purposes of the said Act.

THE UTTAR PRADESH HABITUAL OFFENDERS' RESTRICTION RULES, 1957

1. These rules may be called the Uttar Pradesh Habitual Offenders' Restriction Rules, 1957.

2. **Definitions.**—In these rules, unless there is anything repugnant in the subject or context—

- (a) 'Act' means the Uttar Pradesh Habitual Offenders' Restriction Act, 1952 ;
- (b) 'Inspector General' means the Inspector General of Prisons, Uttar Pradesh ;
- (c) 'Form' means a form appended to these rules ;
- (d) 'Government' means the Government of Uttar Pradesh.
- (e) 'Restricted person' means a person against whom an order of restriction has been made ;
- (f) 'Section' means a section of the Act ;
- (g) 'Settler' means a person, confined in a settlement under the provisions of the Act.

3. **Notice.**—(1) A notice under sub-section (1) of Section 4 shall be in Form I and every copy thereof shall bear the signature of the District Magistrate and the seal of the Court. The notice shall be issued in duplicate and shall be served by a police officer like any other process issued by a Magistrate.

(2) One copy of the notice shall be handed over to the person concerned and on the other copy shall be obtained, in acknowledgement of receipt of the notice, the signature or thumb-mark of such person, which shall be attested by two witnesses of the locality.

4. The Superintendent of Police shall cause a register to be maintained in Form II of all restricted persons residing within his jurisdiction and make additions and alterations therein, from time to time, on the authority of the orders passed under Sections 8 to 10.

5. At the time of making an order of restriction the District Magistrate shall determine, after making such inquiry as he may deem fit, the place where the person against whom the order is made should be deemed to be ordinarily residing and shall make record of the same in the order.

6. **Token.**—Every restricted person shall be given a metallic token as a mark of identity bearing the serial number at which his name is entered in the register. He shall produce this token on demand by the Pradhan of a Gaon Sabha, a police officer or a Magistrate.

7. **Restriction and passes.**—Every order of restriction (Form III) shall state whether the person against whom the order is made, is required to restrict his movements or to report himself or to do both. The order shall specify the area and the nature of the restrictions imposed and the places, the times, and the manner of report, as the case may be.

8. If the restricted person resides in a rural area, the Superintendent of Police shall cause a notice to be given to the Pradhan of the Gaon Sabha having jurisdiction in the area in which the restricted person resides, inviting his attention to the duties imposed on him under rules 11 (a) and 12. In the case of restricted persons residing in urban areas full particulars shall be furnished to the Officer-in-charge of the police station within whose jurisdiction the person concerned resides.

9. The area to which the movements of a restricted person, may be restricted, shall, unless otherwise by the order, be—

- (a) if the place of residence is a town, the limits of the town ;

- (b) if the place of residence is a village, the limits of the village during nights and a group of villages round about the place of residence or the limits of the Police Station, as the District Magistrate may decide, during the day time. The exact hours of the day during which these restrictions will be applicable in individual cases shall be determined by the District Magistrate and specified in the order of restriction.

10. Any person in respect of whom an order of restriction of movement only [under clauses (a) and (b), of sub-section (1) of Section 3] has been made, shall not leave or be absent from the limits of the area to which his movements have been restricted, without having obtained a pass in form IV.

11. (a) The Pradhan of the Gaon Sabha of the village in which the restricted person resides, may grant to such person a pass authorizing him to leave the area to which his movements have been restricted, for a period not exceeding three days. It shall be the duty of the Pradhan of the Gaon Sabha to consider duly the request of the restricted person when approached in this regard. In the case of the restricted persons residing in urban areas this duty shall devolve on the Officer-in-charge of the Police Station, in whose jurisdiction the person concerned resides.

(b) The Officer-in-charge of the Police Station within whose jurisdiction such person resides, may on due cause being shown, grant to such person leave of absence for a period not exceeding 15 days and issue a pass accordingly.

(c) The Superintendent of Police may grant to such person leave of absence for any period exceeding fifteen days and issue a pass accordingly.

(d) (i) A pass granted under sub-rule (a) shall be in duplicate and each copy shall be signed by the person granting leave. One copy of the pass shall be retained by the person granting the same and the second shall be given to the person to whom leave is granted.

(ii) Any pass granted under sub-rules (b) and (c) shall be drawn up in triplicate and each copy shall be signed by the officer granting leave. One copy shall be retained by such officer, the second shall be given to the person to whom leave has been granted and the third shall be sent to the Officer-in-charge of the Police Station within the limits of which the destination of the holder of the pass lies.

(e) A pass granted under this rule may be cancelled at any time. Intimation of such cancellation shall be given to the person concerned without delay and he shall surrender the pass to the authority which issued it.

12. Every person in respect of whom an order of restriction both of movement and report has been made, shall unless otherwise directed by the order, report himself between the hours of 7 and 9 p. m., in the rural areas to the Pradhan and in his absence to the Up-Pradhan of the Gaon Sabha and in the absence of both, to any member of the Gaon Panchayat and in the urban areas at the Police Station within the jurisdiction of which he resides :

Provided that in rural areas where a restricted person does not comply with the provisions of this rule, the Pradhan of the Gaon Sabha shall report the fact to the nearest Police Station—

- (a) for the first six months commencing from the date of the order of restriction, on every day ;
- (b) for the next twelve months, at an interval of not more than four days ; and

(c) for the remaining period, at an interval of not more than eight days :

Provided that if during any of the periods mentioned above :

(i) such person is convicted of any non-bailable offence, or

(ii) such person is reasonably suspected by the Superintendent of Police, for reasons to be recorded in writing, of having been concerned in the commission of a non-bailable offence,

he shall, on being served with a written order of the Superintendent of Police, report himself in the manner prescribed in clause (a).

13. Any police officer not below the rank of a Sub-Inspector may, at any time after giving notice, call any or all restricted persons residing within his jurisdiction to the Police Station.

14. Every restricted person shall notify in writing the intended change of his residence to the Officer-in-charge of the Police Station within the jurisdiction of which he is residing and also to the Pradhan of the Gaon Sabha if he is residing in a village. When notifying the intended change of residence, he shall intimate the location of his intended new residence and the day on which he proposes to move to such residence.

15. The Superintendent of Police may issue to any restricted person, a permanent pass in Form V specifying the days on and the hours during which such person may visit the nearest bazar or market place outside the area to which his movements have been restricted.

16. The Superintendent of Police or any officer empowered by him in this behalf may at any time order the finger impressions of any restricted person or a settler to be taken and such person shall thereupon allow his finger impressions to be taken.

17. **Assessors.**—The District Magistrate shall draw up a tentative list of persons including representatives of societies engaged in social service, whom he considers suitable for serving as assessors. He will satisfy himself that only such persons are included in the list as may, experience of public affairs, and are capable of forming sound and independent judgment.

18. (i) The District Magistrate shall cause the tentative list to be published by pasting it at the notice board of the Collectorate and at such other conspicuous place in the town as he may deem fit, with a notice for inviting objections. After considering the objections, if any, the names of the persons, who are either not willing or are found unsuitable to act as assessors, shall be struck off and any new names may be added.

(ii) No person, who is exempt from the liability to serve as an assessor under Section 320 of the Code, shall be included in the list.

19. (i) The list shall then be finalized and the names of the approved persons shall be arranged in alphabetical order along with the father's name, occupation and place of residence of each person.

(ii) The list so prepared shall be revised once in every two years in accordance with the procedure prescribed in rules 17 and 18.

20. (i) For purposes of review under Section 10 and extension of the period of restriction under Section 12, the District Magistrate shall summon two assessors in the order in which their names appear in the list specifying the date, time and place for their attendance.

(ii) The first review shall be held not later than three months from the date of the order of restriction and subsequent reviews at intervals not exceeding six months from the last review.

21. Every assessor shall be paid his actual travelling expenses for his journey from his residence to the court and back and also the daily allowance which may be admissible to him if he were summoned as a witness in the court of the District Magistrate for every day or part thereof spent in acting as an assessor.

22. **Establishment and management of settlements.**—The establishment of every settlement shall be notified in the official *Gazette* and the notification shall give full details of the localities, if any, comprised within the settlement, and specify the boundaries thereof :

Provided that the State Government may, at any time, by notification in the official *Gazette*, wind up a settlement established under this rule.

23. The State Government may, by notification, certify any privately managed settlement to be fit for reception of habitual offenders if it is satisfied that such settlement has adequate funds and an effective machinery to run it on the lines of the Government Settlements :

Provided that the State Government may, at any time, withdraw any recognition given to a privately managed settlement.

24. The general control of all settlements shall vest in the Inspector General who may delegate any power conferred on him by these rules to any officer subordinate to him :

Provided that the Government may, at any time, by notification, transfer the control of settlements to any other authority.

25. Each settlement shall be under the charge of a Manager who shall be responsible for the internal administration of the settlement, the general welfare of the settlers, and the enforcement of those rules :

Provided that in the absence of the Manager, his assistant or the official whom he deposes to officiate for him, shall remain in charge of the settlement and shall perform all the duties and have all the powers of the Manager.

26. (1) Every settlement shall have an Advisory Committee consisting of 5 members besides the Chairman and the Secretary of whom not less than 2 shall be non-officials.

(2) The members of the Committee shall be appointed by Government on the recommendation of the Inspector General.

(3) The District Magistrate shall be *ex officio* Chairman of the Committee and the Manager of the settlement shall be the *ex officio* Secretary.

(4) The members of the Committee shall hold office for three years but a member shall be eligible for re-appointment on the expiry of the term of his office.

(5) The term of appointment of a non-official member may be terminated by Government at any time without assigning any reason.

(6) A non-official member shall not be entitled to any travelling, daily or conveyance allowance for attending to the work of the Advisory Committee.

27. The Chairman of the All-India and State Crime Prevention Societies shall be the *ex officio* visitor of all settlements.

28. It shall be the duty of the members of the Advisory Committee—

- (a) to attend meetings of the Committee ;
- (b) to visit and inspect the settlement and to meet the settlers thereof ;
and
- (c) to record inspection notes in the Visitors' Book which shall be maintained for the purpose. The members may also record such suggestions for improvement of the settlement, or in regard to any affair pertaining thereto as they may like to make.

29. The Advisory Committee shall—

- (a) so far as possible meet four times in a year preferably in January, April, July and October ;
- (b) satisfy itself that necessary measures for discipline, employment and medical care are being taken ;
- (c) receive applications and complaints from the settlers ;
- (d) inspect the accounts and other registers and records of the settlement ; and
- (e) consider any other matter connected with the progress of the settlement and the welfare of the settlers.

30. A copy of the proceedings of each meeting of the Advisory Committee and also the remarks recorded by the members of the Committee at the time of their visits shall be sent to the Inspector General with such remarks as the Manager may desire to offer in explanation or otherwise and thereupon the Inspector General shall pass such orders as he thinks necessary. The Manager shall place a copy of such orders before the quarterly meeting of the Committee or send it to the member making the remarks, as the case may be.

31. No Police Officer shall ordinarily enter the premises of a settlement without informing the Manager.

32. Except as provided in rule 31, the Police shall have the same power in matters of entry into the premises of the settlement, conducting investigation and search therein, inspection, and seizure of documents forming part of the records of the settlement or in the possession of any person residing therein, and of arresting any person residing in the settlement as they exercise in respect of similar matters under the Code without violating rule 31.

33. **Admission to and residence in the settlement.**—(1) When a habitual offender is ordered to be confined in a settlement under Section 15 (1), the Police shall take him into their custody and escort him to the settlement along with the order of confinement under the seal of the court. The Manager of the settlement shall, on presentation of such an order, be bound to admit the habitual offender in the settlement.

(2) Ordinarily only the person ordered to be confined in a settlement shall be admitted therein. If the Inspector General is satisfied that it is in the interest of a settler that his dependants should reside with him in the settlement, he may, if they so desire, permit them to reside in the settlement :

Provided that before such permission is granted, Inspector General, shall—

- (a) ascertain by making such enquiry as he deems fit, that the settler is responsible for the maintenance of the dependant and that he and his dependants cannot conveniently live apart, and
- (b) obtain an undertaking from the settler that the dependants shall observe the discipline of the settlement, and that he shall be responsible for any breach of the provisions of rule 40.

(3) The dependants of the settler shall, so long as they reside in the settlement, observe the discipline of the settlement and in particular the provisions contained in clauses (b) to (i) and clause (l) of rule 40.

(4) The settler shall exercise proper control over his dependants and shall not be an accomplice in any breach of the provisions of rule 40 as specified in sub-rule (3), committed by any of his dependants.

(5) Any breach of the provisions of rule 40, as specified in sub-rule (3), by any of the dependants, may, at the discretion of the Manager, be dealt with as provided in rule 42 and the punishment imposed on the habitual offender concerned, if the Manager, after making the necessary enquiry, is satisfied that the habitual offender did not exercise proper supervision over his dependants or that he was an accomplice in the breach. For such breach a dependant shall also be liable to be expelled from the settlement by order of the Inspector General.

Explanation.—For purpose of this rule, dependants include—

- (i) wife,
- (ii) unmarried daughters,
- (iii) sons below 18 years of age,
- (iv) father, mother, widowed daughter or sister who are entirely dependant upon him, and
- (v) any other relations who for reasons of mental or physical disability or otherwise are entirely dependant upon him and whose stay with the offender is considered necessary by the Inspector General.

(6) A son above 18 years of age shall not be admitted into a settlement as a member of the family of a habitual offender except when, in the opinion of the Inspector General, it would be difficult for him to live separately from his father.

34. When a habitual offender is brought for being admitted in the settlement, the Manager shall cause a search to be made of his person and property and of the persons and properties of his dependants, if any, with a view to ensure that they carry no article with them which can be used as a weapon of offence and no liquor or other intoxicant or article the possession of which is an offence under the law or the use of which is considered undesirable in the interests of the reform of the offender, or which is suspected to be a stolen property.

The Manager shall then assign a place of residence to the habitual offender and his dependants, if any, in the settlement.

35. Action shall be taken by the Manager in respect of the articles mentioned in rule 34 which are recovered from the habitual offender or his dependants as follows :

- (a) Action in respect of articles the possession of which is an offence under any law shall be taken in accordance with the provisions of the law.

- (b) The articles which can be used as a weapon of offence shall be disposed of by sale, the sale-proceeds being given to the offender.
- (c) The articles which are considered unobjectionable may be allowed to be retained by the habitual offender in the settlement.
- (d) The liquor and other intoxicants shall also be disposed of in such manner as the Manager may deem fit :

Provided that the Manager may permit the entire or a part of the liquor or the intoxicants to remain with the habitual offender under a permit to be granted by him under rule 39 :

Provided further that the Manager shall maintain a register in Form VI for keeping records of the property found with the habitual offender or his dependants at the time of admission to the settlement or subsequently acquired and the manner in which the said property has been disposed of. A separate page in the register shall be assigned to each habitual offender.

36. Wherever possible, separate sections will be provided in settlements for the following types of person :

- (a) single male settlers,
- (b) single female settlers,
- (c) settlers belonging to the same family.

37. Destitute habitual offenders and their dependants shall, on admission in the settlement, be provided with a set of clothing and bedding according to the scale that may be fixed by Government.

38. If a settler contracts marriage with an outsider, the Manager of the settlement may allow the spouse of the settler to live with him or her in the settlement.

39. Conduct and behaviour in the settlement.—No settler shall be allowed to possess or use any liquor or other intoxicant :

Provided that the Manager may, under a permit to be given in form VII, allow any settler to possess liquor or any other intoxicant in such quantity as he deems fit, on medical grounds.

40. A settler shall not—

- (a) refuse to perform any work assigned to him by the Manager nor will he engage in any work prohibited by the Manager,
- (b) commit any acts of indecency,
- (c) refuse to obey any orders issued by the Manager to ensure proper sanitation and hygiene in the settlement,
- (d) misbehave, quarrel or cause any disturbance,
- (e) gamble or bet,
- (f) join any trade union or political organization,
- (g) resist or refuse to obey any lawful order issued by the Manager or refuse to give a true account of himself,
- (h) have in his possession any article which has been forbidden by the Manager as being capable of use as a weapon of offence.
- (i) fail to assist in the maintenance of discipline or to give assistance to an officer of the settlement when called upon to do so in the interests of the institution,

- (j) leave without permission the working party to which he is assigned or the part of the premises in which he may be required to be present at any particular time.
- (k) endeavour to escape from the settlement limits within which he is legally required to stay, or
- (l) refuses admission to the Manager into his residence whenever the latter wants to enter it for purposes of inspection or search.

41. All settlers shall comply with the direction of the Manager in respect of the following :

- (1) to keep their persons, belongings and residences including the land in front thereof, clean,
- (2) to clean any place in the settlement which is in common use,
- (3) to keep their animals at such places and in such conditions as he may direct,
- (4) to report sickness in their families to him, and
- (5) to segregate in such manner as may be specified any dependant who may be suffering from any infectious disease.

42. (a) Any breach of these rules on the part of a settler may be dealt with, for reasons to be recorded in writing, in any one or more of the following ways :

- (i) formal warning to be recorded in history sheet,
- (ii) confinement in barracks for a period not exceeding 15 days,
- (iii) solitary confinement in barracks not exceeding 7 days at a time,
- (iv) stoppage of bonus or wages in part or in full, and
- (v) withdrawal of remission.

(b) A settler whose conduct is found to be satisfactory, may be granted remission by the Inspector General for a period not exceeding one month for each year of confinement.

43. Action in respect of any act done by a settler, which is an offence under the law, shall be taken according to law.

44. The Manager of every settlement shall maintain a register in Form VIII for keeping record of the orders relating to general discipline, conduct, and movement of settlers and similar matters passed by him from time to time. He shall also maintain two notice boards set up at some prominent place in the settlement—

- (i) for giving publicity to the rules and regulations permanently in force in the settlement, and
- (ii) for giving publicity to orders passed and direction issued by him from time to time.

45. **Employment of settlers.**—The Manager in charge of a settlement shall satisfy himself that every settler residing in the settlement is provided with adequate means of subsistence and he shall report forthwith to the Inspector General if there be any difficulty in this respect.

46. Every habitual offender shall, on his admission to the settlement, be placed under apprenticeship in some trade, which is being taught or followed in the settlement :

Provided that such apprenticeship may not be considered necessary by

the Manager in the case of a person who is already acquainted with a trade being taught or followed in the settlement or which though not taught or followed in the settlement can earn him an honest living in or outside the settlement :

Provided further that the Manager may order such apprenticeship for such dependants of a habitual offender as he considers worthy of the same.

47. Every settler under apprenticeship shall be paid during the period of his apprenticeship a subsidy according to the scales that may be fixed by Government, from time to time.

48. On the expiry of the period of apprenticeship the settlers shall be given work as far as possible on the contract of payment by piecework, the worker being paid at the full estimated value of the work done by him.

49. Notwithstanding anything contained in these rules, the Manager may either during the apprenticeship period or thereafter, employ any settler on any remunerative job with which the settler is familiar.

50. The settlers, who are not placed under apprenticeship in a trade or are granted exemption from the same, shall also be employed, unless they are unfit on account of age, physical infirmity or illness, on some physical work suited to their constitution and they shall be paid for the work according to the fixed scale of wages in the same manner as an apprentice.

51. No settler shall be compelled to work for longer hours than the following :

Adults (15 years or over)	..	54 hours per week.
Juveniles (12—15)	..	28 hours per week.

Provided that the time occupied in attending school or physical exercises shall be regarded as labour for the purpose of this rule.

52. (a) Where a settler earns in a settlement more money than is necessary for his maintenance and that of his dependants, the Manager may deposit the surplus from time to time in a savings bank account opened in the name of such settler. When an account of this nature has been opened, the pass book shall remain in the custody of the Manager.

(b) The settler shall have the liberty to spend out of his savings freely in a canteen, if any, maintained on the premises and on special occasions when he goes out. He may also draw upon his balance for special occasions but for doing so, he shall obtain the permission of the Manager.

53. **Movement outside settlement and release from settlement.**—Unless exempted by a general or special order of the Manager, no settler shall leave the limits of the settlement without a pass.

54. (1) Passes for going out of the settlement shall be granted as follows :

(a) **Works Pass.**—Settlers who have been permitted to take up regular daily employment outside the limits of their settlement shall be granted permanent work passes in Form IX by the Manager of the settlement concerned. A pass issued under this rule shall be surrendered to the Manager when the person to whom it has been granted, ceases to be employed on the work which he has been permitted to undertake,

(b) **Temporary Pass**—Passes may also be issued to settlers in Form X authorising them to attend a bazar, a fair, a social or religious gathering or a hospital or to visit a friend or relation or for any other casual business, for a specified time of the day, at the discretion of the Manager. A pass issued under this rule shall be surrendered to the Manager on the return of the settler to the settlement.

(c) **Out Station Pass**—A pass to proceed to any place within the State for any specific period may be granted to a settler by the Manager in Form XI :

Provided that the Manager shall obtain the permission of the Inspector General where this period extends beyond one month :

Provided further that no pass shall be given for more than a year at one time.

(d) **Ex-State Pass**—A pass may also be granted to a settler in Form XII by the Inspector General for proceeding to a place outside the State and staying there for any period. This pass shall be granted by the Inspector General after consulting the Inspector General of Police, Uttar Pradesh.

(2) The Inspector-General may, in special circumstances, exempt any settler from the necessity of obtaining a pass for proceeding to any place.

(3) Each pass granted under this rule except a pass granted under sub-rule (d) which shall be signed by the Inspector General shall be drawn up in triplicate and all the three parts shall be signed by the Manager. One part shall be retained by the Manager, the other shall be given to the settler to whom it has been granted, and the third shall be sent to the officer-in-charge of the Police Station within the limits of which the destination of the holder of the pass lies.

55. A habitual offender using a pass granted under sub-rules (c) and (d) of rule 54, shall travel by the route specified in the pass and notify his arrival immediately to the authority specified in the pass, in the village, town or settlement at which he has arrived and shall thereafter report himself at such times and places as have been specified in the pass.

56. A pass granted under sub-rules (c) and (d) of rule 54 shall be surrendered by the grantee to the Manager of his settlement personally on return to the settlement in due time and before leaving the place where for the pass was granted, he shall have the time and date of departure therefrom endorsed on the pass by the authority concerned. In case the grantee is unable to return to the settlement for some good reason such as serious illness he shall inform the authority of the village, town or settlement where he is staying and which is specified in the pass, to this effect. He shall simultaneously send information to the Manager of his settlement.

57. Notwithstanding anything in these rules, the pass granted to a settler may be withdrawn by the authority granting it at any time without assigning any reason.

58. A habitual offender may be released conditionally on licence by the State Government, if in its opinion, such person has furnished satisfactory proof of good conduct and sustained industry, is not likely to commit any

offence against, is capable of maintaining himself and his dependants by honest means and fulfils the following conditions :

- (a) he has resided in a settlement for not less than one year;
- (b) he has not been awarded any disciplinary punishment for serious breach of these rules during the six months preceding the date of release.

59. The period of licence shall not extend beyond the date on which the period of the order of confinement in a settlement expires.

60. A person released on licence from a settlement under rule 58, shall be required to observe the following conditions :

- (a) he shall reside at such place as the State Government may determine,
- (b) he shall be of good conduct, and
- (c) he shall obey, whilst released on licence, such conditions as to roll call and taking of passes as may be ordered by the State Government.

61. Where a person released under rule 58, fails to comply with the provisions of rule 60, his licence may be cancelled by the State Government and he shall therefore be liable to recommitment to a settlement for the remainder of the term for which he was originally ordered to be confined in a settlement.

62. Except when absent on a pass granted under rule 54 or when exempted from the roll call by the Inspector General every settler shall attend roll calls to be held daily in the settlement at such time or times as may be fixed by the Manager and before such persons and at such places as may be appointed for this purpose by the Manager.

63. (1) The settlers shall be allowed to meet visitors at appointed hours and with the previous permission of the Manager.

(2) The Manager shall maintain a record of all such visits.

(3) The Manager may refuse permission to a visit or to meet a settler if he is satisfied that the visit is not in the interest of the settler.

64. Every settler shall send his children between the ages of 6 and 11 years to the school in the settlement, or any other school specified by the Manager.

65. No person shall indulge in the proselytisation or religious activities of a nature which are likely to cause friction between various settlers or hurt the feelings of any group of settlers but non-sectarian moral preaching which may be conducive to the spiritual uplift of the settlers, and the holding of religious functions like Kirtan, Ramayan recitals and Milad Sharif, may be permitted.

66. The Manager shall see that every settler develops a sense of cleanliness and keeps his house neat and tidy and is also neat and tidy in his dress.

67. No settler shall keep any cattle in a settlement otherwise than in accordance with the general or special directions that may be issued by the Inspector General in this behalf from time to time.

68. No animals, the killing of which may wound the religious susceptibilities of any group of persons residing within the limits of the settlement, shall be slaughtered therein.

69. **Release of habitual offenders from settlement.**—The Manager shall be guided by the following rules in the matter of release of persons confined in the settlement :

- (a) The day on which the sentence was passed and the day of release shall count as days of confinement.
 - (b) The terms "month" and 'year' mean a month and year reckoned according to the British Calendar.
 - (c) When a sentence of confinement includes a fraction of a month, the month shall be reckoned to 30 days.
 - (d) When a person confined in a settlement is recaptured after escape, the day on which he had escaped and the day on which he was recaptured, shall both be counted as days of confinement.
 - (e) On admission to the settlement, the name of the habitual offender shall be entered in the release check register in Form XIII at the time of admission. For every such offender, a date, called the check date, shall be fixed which shall be the date on which he will complete two-thirds of his sentence. The check date shall be entered in the release check register on the page allotted to the month within which the check date falls and shall also be recorded on the history ticket, warrant or warrant cover and all entries shall be signed by the Manager.
 - (f) In the first week of every month, the Manager or other officer entrusted with this duty, shall examine the warrant and history ticket of every habitual offender whose name is entered in the release check register under the month next following and fix the final date of release. After the date has been checked and approved by the Manager, the habitual offender's name shall be entered in the release register under the date finally fixed.
- The Manager or other officer entrusted with this duty, shall initial the entry and all similar entries made in the warrant cover and history ticket.
- (g) On or before the 25th day of every month, all habitual offenders to be released in the succeeding month shall be produced before the Manager and informed of the dates on which they will be released.
 - (h) All release orders shall be complied with the same day.
 - (i) The Manager shall not release any offender on the authority of any informal document. Release orders duly signed by the presiding officer of the court and impressed with the court's seal shall alone be acted upon. Such orders shall contain full particulars in regard to the habitual offender to be released and shall be sent by courts as far as possible through court peons after having been duly entered in the dak book or by post.
 - (j) The Manager shall not release any habitual offender on the authority of telegram save in the case of a telegram despatched by the Secretary to the State Government or by the Registrar of the High Court. Such telegrams should invariably be acknowledged by telegram.

- (k) No habitual offender suffering from any acute disease shall be discharged from the settlement against his will or until, in the opinion of the medical officer incharge of the settlement, he can be safely discharged.
- (l) The Manager is personally responsible for the correct release of habitual offenders.
- (m) Before a habitual offender is released from the settlement, the Manager shall compare the marks of identification as given on the warrant and in the settlement register with those of the habitual offender and take his thumb impression or at the discretion of the Manager in the case of a literate offender, his signature and compare it with that taken on the day of his admission so as to ensure beyond all doubts the habitual offender's identity. He shall also cause the descriptive roll of the offender to be read out and shall then endorse the order of release on the back of the offender's warrant and initial the entries of the date of release in the release and admission registers.
- (n) At the time of releasing a habitual offender, the Manager shall deliver to him all money, and other property, belonging to him. The words 'Property received' shall be stamped across the list of property entered in the property register (Form VI) and habitual offender's signature or left thumb impression shall be taken below it in token of receipt. The Manager shall satisfy himself that the offender has received all his private property and shall countersign the entry in the property register.
- (o) The Manager shall supply every offender whose clothing has been torn or destroyed or is insufficient for the purpose of health or decency, with clothing according to the scale laid down below ;
One kurta and one pyjama if the offender has no clothes of his own. In case he does not like to wear pyjama, a dhoti may be given in place of pyjama. Destitute female habitual offenders may be given one sari and one jumper on release. In severe cold weather a serviceable blanket may be issued to really destitute and deserving habitual offenders who are old and infirm and when the journey involves travelling by night.
- (p) Every habitual offender shall on release be furnished with a certificate in Form XIV to the effect that he has completed the term of confinement and also a certificate of proficiency in any industry learnt by him during the period of confinement.
- (q) The following scale of diet money is laid down for habitual offenders in possession of not more than a sum of Rs. 2 on release—
 - (a) Journey by road :
 - (i) No allowance when the distance to be travelled by road is five miles or under.
 - (ii) If the distance exceeds five miles six annas a day for each day's march of fifteen miles or part thereof.
 - (b) Journey by rail or lorry :
 - (i) No allowance for journey when the distance to be travelled is 20 miles or under.

(ii) When the distance exceeds 20 miles six annas a day for each day or part of a day spent on the journey.

(c) Double the above allowances in case of female and infirm habitual offenders, and for journeys in the hills.

Note.—When diet money is admissible under both (a)(ii) and (b) (ii) on any particular day, only a single payment shall be made.

(d) An offender, whose home is at more than five miles from the settlement from which he is released, may be given :

(1) a third class railway ticket, or

(2) lorry fare of the lowest class, according as his home is most conveniently reached by rail or by lorry :

Provided that no offender shall be given either railway ticket or lorry fare if there is in deposit in his name in the settlement enough money to pay for his fare after leaving a sum of Rs. 2 with him for miscellaneous expenses.

FORM I

[See Rule 3 (1)]

Notice under Section 4 (1) of the U. P. Habitual Offender's Restriction Act, 1952

I, District Magistrate/Additional District Magistrate/ Magistrate of the first class specially empowered under this Act (Act XXXVIII of 1952) am, upon information received, satisfied that Sri....., son of.....ordinarily residing in.....of this district is habitual offender, having been sentenced to substantive terms of imprisonments as per details given below :

1.
2.
3.
4.
5.

the said sentences not having been set aside in appeal or revision ;

And whereas I am further satisfied that an order of restriction should be passed against the said Sri.....under Section 3 of the U. P. Habitual Offender's Restriction Act, 1952 ; Now, therefore, I hereby require the said Sri..... under sub-section (1) of Section 4 of the said Act, to appear before me at (time) on..... (date) at.....(name of place) to receive the order of restriction.

2. The said Sri.....is informed that under sub-section (2) of Section 4 of the said Act he can contest this notice on any of the following grounds and no other, namely that—

- (i) he was less than 18 years of age on the date of notice.
- (ii) a period of more than three years has intervened between the date of notice and the expiry of the term of the last sentence of imprisonment passed against him ;
- (iii) he is not a habitual offender.

3. Action will be taken in accordance with Chapter VI of the Code of Criminal Procedure as if this notice were a warrant issued under the said

Code, in case the said Sri..... is not traceable or in case he fails to receive this notice or after due service of this notice fails to appear before me at the above time, date and place.

*District Magistrate/Additional
District Magistrate/Magistrate,
of first class specially empowered
under this Act.*

Seal of Court.

FORM II

(See Rule 4)

Register of restricted persons to be maintained by the Superintendent of Police

1. Serial number.
2. Police Station.
3. Name, parentage, caste, residence, age of the person concerned.
4. Date of issue of notice under Section 4 (1).
5. Whether the person complied with the notice. If so, on what date?
6. Whether arrested in accordance with proceedings under Section 5 ?
If so, date of arrest.
7. Date of order of restriction and its substance indicating the area to which movements are restricted and the manner in which he is required to report.
8. Whether order of restriction passed under Section 6 (2) was amended by the Magistrate ? If so, date/dates of amendment and the substance of the amended order.
9. Whether the restricted person applied for permission to change his residence to another district ? If so, what orders were passed by the Magistrate thereon.
10. Date of review of the order of restriction.
11. Whether the original order of restriction was extended by the Magistrate under Section 12 (1) ? If so, on what date and for what period ?
12. Whether any punishment was inflicted for breach of the restriction order or an order of confinement in settlement. If so what ?
13. Whether the habitual offender was transferred from one settlement to another ? If so, the date of transfer and name of settlement.
14. Date on which the restrictions were withdrawn.
15. Remarks.

FORM III

(See Rule 7)

(Order of Restriction)

Seal

Whereas Sri.....(whose particulars are given below) was given a notice under Section 4 (1) of the U. P. Habitual Offenders' Restriction Act, 1952 (XXXVIII of 1952), and he has accordingly appeared before me in compliance thereof. And whereas after considering

the objections of the said Sri.....and after making necessary enquiries as required by Section 6 of the Act, I..... District Magistrate/Additional District Magistrate.....am satisfied that the said Sri.....was not less than eighteen years of age on the date of notice and that a period of more than three years has not intervened between the date of notice and the expiry of the term of the last sentence of imprisonment passed against him and that he is an habitual offender in terms of Section 2 (1) (c) of the said Act ;

Now, therefore, in exercise of the power conferred by Section 6 (2) of the said Act, I hereby pass the following order of restriction against the said Sri.....after taking into account the conditions laid down in Section 7 of the Act.

Particulars of the habitual offender

1. Name.
2. Father or husband's name.
3. Age and sex.
4. Height and mark of identification.
5. Residence (village/town, P. S. and district).

Orders of restriction

- (i) His movements shall remain restricted to (here specify the actual area and limits) or say as in rule 9 of the Habitual Offenders' Restriction Rules, 1957.
- (ii) He shall not leave the said area without obtaining a pass from the appropriate authority as laid down in rule 10 of the said Rules.
- (iii) He shall report himself to.....between the hours.....as provided in rule 12 of the said Rules.

2. Any breach of the above restrictions shall be dealt with under the provisions of the U. P. Habitual Offenders' Restriction Act, 1952 and the rules framed thereunder.

*District Magistrate/Additional
District Magistrate.*

FORM IV

(See Rule 10)

(Pass for a restricted person to whom leave of absence from the area has been granted)

1. Register No.....
2. Name.....
3. Father's or husband's name.....
4. Sex and age.....
Height and mark of identification.....
Residence (village or town and police station).....
7. Area to which his movements are restricted.....
8. Period of absence allowed from.....to.....

9. Place to which proceeding.....
10. Business on which proceeding.....
11. Route to be taken

when proceeding.....

when returning.....
12. Signature or left thumb-impression of the person granted leave.
Place and date of issue.....

Signature of the Officer issuing the Pass.

FORM V
(See Rule 15)

- (Permanent pass for a restricted person for visiting Bazar, etc.)
1. Register No.....
2. Name.....
3. Father's or husband's name.....
4. Sex and age.....
5. Height and mark of identification.....
6. Residence (name of village or town, and police station).....
7. Place of nearest Bazar.....
8. Day and time when permitted to visit.....
Day.....
Time.....from.....to.....
9. Area to which his movements are restricted.....
10. Signature or left thumb-impression of the person granted pass.
Place and date of issue.....

Signature of the District Superintendent of Police.

FORM VI
[See proviso to Rules 35 and 69 (n)]
Property Register of Habitual Offender

1	2	3	4	5	6	7	8	9	10	11	
Name and other particulars of the habitual offender		Date of admission	List of property found with the habitual offender or his dependant on admission	List of property disposed of in accordance with rule 35	List of property allowed to be retained	List of property subsequently acquired by the habitual offender		List of property delivered to the habitual offender on the date of release	Signature of L. T.-I of the habitual offender in token of the receipt of the property in column 8	Signature of the Manager	Remarks
					Name of the articles acquired	Date of bringing in the settlement					

FORM VII

(See Rule 39)

Permit for possessing liquor or other intoxicant

Seal of Settlement

Name of Settlement

Sri.....son of.....
 admitted into the settlement on.....is here by
 allowed to keep liquor/intoxicant with him for his personal use on medical
 grounds as follows :

- (1) Name of liquor/intoxicant
- (2) Quantity to be kept.....
- (3) Remarks.....

Manager.

FORM VIII

(See Rule 44)

Register of Record of the orders passed

Serial no.	Name of the person about whom order was passed	Number and date of order	Substance of order	Signature of the Manager	Remarks
1	2	3	4	5	6
1					
2					
3					
4					
5					

FORM IX

[See Rule 54 (1)(a)]

Work Pass

Seal of Settlement

Name of Settlement

- Name of pass-holder and other particulars.
- Description of pass-holder.
 - Height.
 - Complexion and general built.
 - Identity mark.
- Nature and place of employment wherefor the pass has been issued.
- Date of issue.
- Period for which valid.
- Remarks.

*Signature or L. T.-I. of the pass-holder.**Signature of Manager.*

No.

Copy forwarded to Station Officer.....
for information.

Signature of Manager.

Pass returned on.....(dated) at.....(time).

*Signature or L. T.-I. of the pass-holder.**Signature of Manager.*

FORM X

Temporary Pass

[See Rule 54 (1)(b)]

Seal of Settlement

Name of Settlement

1. Name of pass-holder and other particulars.
2. Description of pass-holder.
 - (1) Height.
 - (2) Complexion and general built.
 - (3) Identity mark.
3. Hours during which allowed to go to bazar, etc.
4. Date of issue.
5. Period of validity.
6. Remarks.

*Signature or L. T.-I. of the pass-holder.**Signature of Manager*

Nodated.....

Copy forwarded for information to the Station Officer.....

Manager.

Pass given by or surrendered to the Manager on return from bazar,
etc. at the following on each date.

Date. *Given out.* *Surrendered at.*

*Signature of Manager
or the official authorised
in this behalf.*

FORM XI

[See Rule 54 (1) (c)]

Out Station Pass (within Uttar Pradesh)

Seal of Settlement

Name of Settlement

1. Name of pass-holder and other particulars.
2. Description of pass-holder.
 - (1) Height.
 - (2) Complexion and general built
 - (3) Identity mark.

3. Date on which the pass-holder was confined in the settlement.
4. Period of confinement.
5. District to which the pass-holder belonged before and from which he was sent for confinement to the settlement.
6. Place to proceed whereto the pass is granted.
 - (1) Village or mohalla.
 - (2) Town.
 - (3) Tahsil and Police Station.
 - (4) District.
7. Authority to whom the pass-holder will present himself on arriving at his destination.
8. Authority to whom and the hour when the pass-holder will report himself during the period of his stay at the place of his destination.
9. Route by which the pass-holder will proceed and return.
10. Date of issue.
11. Date on or by which the pass-holder will return to the settlement.
12. Remarks.

Signature or L.T-I. of the pass-holder

Signature of Manager.

No. _____ date _____

Copy forwarded for information to the Superintendent of Police—
district/Manager of Settlement/Station Officer— _____concerned.

Manager.

Pass returned on _____(date) _____(time).

Signature or L.T-I. of the pass-holder.

Signature of Manager.

FORM XII

[See Rule 54(1) (d)]

Ex-State Pass

Seal of Settlement

Name of Settlement

1. Name of pass-holder and other particulars.
2. Description of pass-holder.
 - (1) Height.
 - (2) Complexion and general built.
 - (3) Identity mark.
3. Date on which the pass-holder was confined in the settlement.
4. Period of confinement.
5. District to which the pass-holder belonged before and from which he was sent for confinement to the settlement.

6. Place to proceed whereto the pass is granted.
 - (1) Village or Mohalla.
 - (2) Town.
 - (3) Tahsil and Police Station.
 - (4) District.
 - (5) State.
7. Authority before whom the pass-holder will present himself on arriving at his destination.
8. Authority to whom and the hour when the pass-ho'der will report himself during the period of validity of the pass.
9. Route by which the pass-holder will proceed and return.
10. Date of issue.
11. Date on or by which the pass-holder will return to the settlement.

Remarks.

Signature or L.T-I. of the pass-holder

*Inspector General of Prisons,
Uttar Pradesh.*

No. _____ date _____

Copy forwarded for information to the Inspector General of Prisons (or whatever the designation of the authority concerned or the other State is)——
 _____State/Inspector General of Police, Uttar Pradesh/Inspector General
 of Police of the State concerned/Manager of Settlement/ President, Gaon
 Sabha _____/Station Officer——of the State concerned.

*Inspector General of Prisons,
Uttar Pradesh.*

Pass returned on _____ date at _____ (time)

Signature or L.T-I. of the pass-holder.

Signature of Manager.

FORM XIII

Release Check Register

[See Rule 69 (e)]

Month_____year_____

Date		Given out		Surrendered at		Signature of Manager or the official authorised in this behalf		
Serial No.	Name and other particulars of the habitual offender	Date of admission	Period of confinement	Date of release	Date of check	Remark of the Manager after check	Date on which released	Signature of the Manager
1	2	3	4	5	6	7	8	9

FORM XIV
Certificate of Release
 [See Rule 69 (p)]

Seal of Settlement Name of Settlement

Whereas Sri _____ son of _____
 _____ resident of _____
 who was confined to this settlement, under orders _____
 _____ of District Magistrate _____
 for a period of _____ year _____ months
 _____ days has completed the term of his confinement in the settle-
 ment, or the said person has been ordered to be released from the settlement
 with effect from _____
 vide the District Magistrate's order _____
 he is hereby released from this settlement this day, the _____
 of _____.

2. Sri _____ has acquired proficiency
 in _____ which he learnt
 settlement.

Manager.

U. P. INDUSTRIAL DISPUTES ACT, 1947

(U. P. Act No. XXVIII of 1947)

RULES

Notification No. 1465(ST)/XXXVI-A-102(ST)/57 Dated Lucknow,
 May 20, 1957, published in *U. P. Gaz. Extra.* dated May 1947.

MISCELLANEOUS

In exercise of the powers conferred by Section 23 of the U. P. Industrial Disputes Act, 1947 (U. P. Act No. XXVIII of 1947), the Governor of Uttar Pradesh is pleased to make the following rules, the same having been previously published for objections and suggestions with Government notification No. 260(ST)/XXXVI-A-102. (SI) 57, dated January 31, 1957.

THE U. P. INDUSTRIAL DISPUTES RULES, 1957

1. **Short title, extent and commencement.**—(i) These rules may be called the U. P. Industrial Disputes Rules, 1957.

(ii) They extend to the whole of Uttar Pradesh.

(iii) They shall come into force at once.

2. **Definitions.**—In these rules unless there is anything repugnant in the subject or context—

(a) "Act" means the U. P. Industrial Disputes Act, 1947;

(b) "Form" means a form given in the Schedule to these rules;

(c) "Section" means a section of the Act.

3. **Preparation of the lists of persons for appointment as Presiding Officers of Labour Courts and Tribunals.**—(1) For preparation of the list referred to in Section 4-D of the U. P. Industrial Disputes Act, 1947 the names of persons possessing necessary qualification for appointment as Presiding Officers of Labour Court or Tribunal shall be sent separately by the heads of departments or authorities concerned to the Labour Secretary to Government of U. P., by such date as the Committee may fix,

together with the character rolls, service books and summary of record of work in respect of every such person. The Labour Secretary shall place two consolidated list of persons eligible for appointment as Presiding Officer of a Labour Court or Tribunal before the Committee for selection, and the Committee may, if it considers necessary, call all or any of the persons on the consolidated list for interview before selection.

(2) The list shall ordinarily be revised after three years in the month of April, unless the State Government directs an early revision.

4. **Powers, procedure and duties of Conciliation Officers.**—(1) On receipt of information about an existing or apprehended industrial dispute, the Conciliation Officer may, if he considers necessary, forthwith arrange to interview both the employers and the workmen concerned with the dispute at such place and time as he may deem fit and endeavour to bring about a settlement about the dispute in question.

(2) The Conciliation Officer may hold a meeting of the representatives of all the parties jointly or of each party separately.

(3) The Conciliation Officer shall conduct the proceedings expeditiously and in such manner as he may deem fit.

5. **Memorandum of Settlement.**—(1) A settlement arrived at before a Conciliation Officer or otherwise outside the conciliation proceeding shall be in Form I.

(2) The settlement shall be signed—

(a) in the case of an employer, by the employer himself, or by his authorized agent or when the employer is an incorporated company or other body corporate, by the agent, manager, or other principal officer of the corporation ; and

(b) in the case of a workman, either by the workman himself or by the President or the Secretary of the Union of Workmen competent to represent the workman under Section 6-1, or of a Federation of such Unions, or by an officer of such Union or Federation authorized in this behalf by the President of such Union or Federation, or where there is no such Union, by five representatives of the workmen duly authorized in this behalf at a meeting of the workmen held for the purpose.

(3) Where a settlement is arrived at before a Conciliation Officer, otherwise than in the course of conciliation proceedings before a Board, the Conciliation Officer shall send a report thereof to the Government with a copy to the Labour Commissioner, Uttar Pradesh.

(4) ****¹

(5) ****¹

²[5-A. **Memorandum of settlement before a Board.**—(1) In any case where a Board is successful in bringing about an amicable settlement between the parties, it shall prepare a memorandum in Form I-A, stating the terms of settlement arrived at, and the Chairman of the Board shall send copies thereof to the Sachiv to Government, Uttar Pradesh, Labour (A) Department, Lucknow, the Labour Commissioner and the parties concerned within seven days (excluding holidays but not annual vacation observed by the courts subordinate to the High Court) of the close of the proceedings.

1. Sub. Rules (4) and (5) deleted by Notification No. 78181(ST)/XXXVI-A—112 (ST)—57 dated Dec. 31, 1957, published in *U. P. Gaz. Extra.*, of the same date.

2. Added by *ibid.*

(2) Where no amicable settlement can be reached on any of the issues the Chairman of the Board shall send to the Sachiv to Government, Uttar Pradesh, Labour (A) Department, Lucknow and the Labour Commissioner, a full report setting forth the steps taken by the Board for ascertaining the facts and circumstances relating to the dispute and for bringing about an amicable settlement thereof.

(3) The report under sub-rule (2) above shall be submitted by the Chairman of the Board within thirty days (excluding holidays but not annual vacation observed by courts subordinate to the High Court) of the date on which the reference was made to the Board :

Provided that the State Government may extend the said period from time to time.

(4) The memorandum under sub-rule (1) or the report under sub-rule (2) above shall be signed by the Chairman of the Board and such members as may be present :

Provided that the memorandum under sub-rule (1) above shall also be signed by the parties to the dispute or their authorized representatives:

Provided further that nothing in this rule shall be deemed to prevent any member of the Board from submitting a dissenting report.

“(5) The Conciliation Officer shall, file all settlements arrived at before him either in the course of conciliation proceedings or otherwise in respect of disputes in the area within his jurisdiction in a register maintained for the purpose in Form II.

(6) The State Government may, object to the provisions of clause (ii) of Section 7, enforce, by an order in Form III, any settlement arrived at before a Board in the course of conciliation proceedings.”

“5-B. Procedure of Boards.—A Board shall, subject to such general or special instructions as may be issued by the State Government in this behalf from time to time, follow such procedure as it thinks fit.]

6. Powers to refer additional matters to a Board, Labour Court or Tribunal for settlement or adjudication.—Where any dispute or matter is pending before a Board or Labour Court or Tribunal, the State Government may, by order in writing, refer any other dispute or matter that may arise between the same parties, to the same Board, Labour Court or Tribunal for settlement or adjudication, as the case may be.

7. Notice of Change.—(1) Subject to the provisions of Section 4-J, any employer intending to effect any change in the conditions of service applicable to any workman in respect of any matter specified in the Third Schedule to the Act, shall give notice of such intention in Form IV to the workman concerned.

(2) Where there are numerous workmen affected by a notice of change, the employer shall, where personal service is not practicable, cause the service of any such notice to be made on the secretary, or where there is no secretary, the principal officer of the union/unions of workers and also by affixing the same to a notice board at or near the entrances or entrances of the establishment concerned and the notice shall remain so affixed for a period of 21 days. The notice shall be in Hindi and in such other language, if any, which is intelligible to a majority of workers.

(3) A copy of the notice shall simultaneously be forwarded by the employer to the Conciliation Officer of the area concerned and the Labour Commissioner, Uttar Pradesh,

8. Arbitration agreement.—(1) An arbitration agreement referred to in Section 5-B (1) of the Act shall be made in Form V, and shall be delivered personally or forwarded by registered post in triplicate to the authorities mentioned in sub-section (3) of Section 5-B by the signatories to the agreement or any of them.

(2) The arbitration agreement shall be signed—

(a) in the case of an employer, by the employer himself, or when the employer is an incorporated company or other body corporate, by the agent, manager, or other principal officer of the corporation, if so authorized in writing by the employer ;

(b) in the case of a workman, either by the workman himself or by the President or the Secretary of the Union of Workmen, competent to represent the workmen under Section 6-I, or of a Federation of such Unions or by an officer of such Union or Federation authorized in this behalf in writing by the President of such Union or Federation, or where there is no such Union, by five representatives of the workmen duly authorized in this behalf at a meeting of the workmen held for the purpose.

9. Evidence.—A Board or Labour Court or Tribunal or an Arbitrator may accept, admit, or call for evidence at any stage of the proceedings before it and in such manner as it may think fit.

10. Summons.—Summons issued by a Board, Labour Court or Tribunal or an Arbitrator shall be in Form VI and may require any person to produce before it any books, papers or other documents and things in his possession or under his control in any way relating to the matter under investigation or adjudication by the Labour Court or Tribunal or Arbitrator which the Labour Court or Tribunal or Arbitrator thinks necessary for the purpose of such investigation or adjudication.

11. Service of summons or notice.—Any notice, summons, process or order issued by a Board, Labour Court or Tribunal or Arbitrator may be served either by personal delivery or by registered post or in any other manner prescribed in this behalf in the Code of Civil Procedure, 1908 (Act V of 1908).

12. Procedure at the first sitting.—At the first sitting of a Labour Court or Tribunal the Presiding Officer shall call upon the parties in such order as he may think fit to state their case.

13. Place and time of hearing.—The sittings of a Labour Court or Tribunal or of an Arbitrator shall be held at such times and places as the Presiding Officer or the Arbitrator, as the case may be, may fix and the Presiding Officer or Arbitrator, as the case may be, shall inform the parties of the same in such manner as he thinks fit.

14. Proceedings before a Labour Court or Tribunal.—The proceedings before a Labour Court or Tribunal shall be held in public :

Provided that the Labour Court or Tribunal may at any stage direct that any witness shall be examined or its proceedings shall be held in camera.

15. Information to be kept confidential—All books, papers and other documents or things produced before a Labour Court or Tribunal, whether voluntarily or in pursuance of a summons may be inspected by such parties as the Labour Court or Tribunal may allow but the information

obtained therefrom shall not, except as provided in the Act, be made public, and such parts of the books, papers, documents or things as in the opinion of the Labour Court or Tribunal do not relate to the matters at issue may be kept in a sealed cover at the discretion of the Presiding Officer.

16. Labour Court or Tribunal or Arbitrator may proceed ex-parte.—(1) If on the date fixed or on any other date to which the hearing may be adjourned, any party to the proceedings before the Labour Court or Tribunal or an Arbitrator, is absent, though duly served with summons or having the notice of the date of hearing, the Labour Court or Tribunal or the Arbitrator, as the case may be, may proceed with the case in his absence and pass such order as it may deem fit and proper.

(2) The Labour Court, Tribunal or an Arbitrator may set aside the order, passed against the party in his absence, if within ten days of such order the party applies in writing for setting aside such order and shows sufficient cause for his absence. Such an application must be supported by a affidavit stating the cause of his absence. As many copies of the application and affidavit shall be filed by the party concerned as there are persons on the opposite side. Notice of the application shall be given to the opposite parties before setting aside the order.

17. Power of entry and inspection.—The Presiding Officer of a Labour Court or a Tribunal or any other person authorized in writing by a Labour Court or Tribunal in this behalf may, for the purposes of any investigation, enquiry or adjudication entrusted to the Labour Court or Tribunal under the Act after he has given reasonable notice, enter any building, factory, workshop or other place or premises whatsoever, and inspect the same or any work, machinery, appliance or article therein or interrogate any person therein in respect of anything situated therein or any matter relevant to the subject-matter of the investigation, enquiry or adjudication.

18. Description of parties in certain cases.—Where in any proceeding before a Board, Labour Court or Tribunal or an Arbitrator, there are numerous persons arrayed on any side, such persons shall be described as follows :

- (i) all such persons as are members of any Union or association shall be described by the name of such Union or association ; and
- (ii) all such persons as are not members of any Union or association shall be described in such manner as the Board, Labour Court, Tribunal or Arbitrator, as the case may be, may determine.

19. Manner of service in the case of numerous persons as parties to a dispute.—(1) Where there are numerous persons as parties to any proceeding before a Board, Labour Court, Tribunal or an Arbitrator, and such persons are members of any Union or association, the service of the notice on the secretary, or where there is no secretary, on the principal officer of the union or association shall be deemed to be the service on such persons.

(2) Where there are numerous persons as parties to any proceeding before a Board, Labour Court, Tribunal or an Arbitrator, and such persons are not members of any union or association, the Board, Labour Court, Tribunal or Arbitrator, as the case may be, shall, where in its/his opinion, personal service is not practicable, cause the service of any notice to be made by affixing the same at or near the main entrance of the establishment concerned and in such other manner as the Board, Labour Court, Tribunal or Arbitrator may deem fit and proper. A notice exhibited in such manner

shall also be considered as sufficient in the case of such workmen as cannot be ascertained and found.

20. Assessors.—(1) The State Government may, if it considers necessary, appoint up to two persons as assessors to advise a Labour Court or Tribunal in the proceedings before it.

(2) Where assessors are appointed to advise a Tribunal or Labour Court or an Arbitrator under any provisions of the Act, the Labour Court or Tribunal, or Arbitrator as the case may be, shall in relation to proceeding before it/him, obtain the advice of such assessors but such advice shall not be binding on it/him.

21. Power of Labour Courts, Tribunals and Arbitrators.—In addition to the powers conferred by the Act, Labour Courts, Tribunals and Arbitrators shall have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 (Act V of 1908), when trying a suit, in respect of the following matters, namely,—

- (a) discovery and inspection ;
- (b) granting of adjournment ; and
- (c) reception of evidence taken on affidavit ;

and the Labour Court or Tribunal or Arbitrator may summon and examine any person whose evidence appears to it/him to be material and shall be deemed to be a civil court within the meaning of Sections 480 and 482 of the Code of Criminal Procedure, 1898.

22. Expenses of witnesses.—(1) Every person who is summoned and duly attends or otherwise appears as a witness before a Labour Court or Tribunal or Arbitrator shall be entitled to receive from the party concerned such allowances for expenses as, subject to such general or special instructions as may be given by Government from time to time, the Labour Court or Tribunal or Arbitrator may determine.

(2) A Labour Court or Tribunal or Arbitrator when summoning a witness at the request of a party, may require the party to deposit expenses of the witness in advance.

23. Right of representatives.—The representatives of the parties appearing before a Labour Court or Tribunal or an Arbitrator shall have the right of examination, or cross-examination, as the case may be, of a witness.

24. Papers, records, documents, files, etc., of an Arbitration Award.—Within fifteen days of submission of an arbitration award to the State Government, the Arbitrator or Arbitrators shall send all papers, records, documents and files relating to the arbitration proceeding, and also the original copy of the arbitration award to the Labour Court or Tribunal which has otherwise jurisdiction over the industrial dispute.

25. Copies of awards or other documents of a Labour Court or Tribunal or an Arbitrator.—(1) A party to the dispute shall be entitled at any stage to obtain a copy of the records of the case or any portion thereof, including exhibits which have been put in and finally accepted in evidence, but excluding confidential papers and office notes.

(2) A stranger to a dispute, on application, may, after the decision, obtain a copy of an award or any document on the record of the case, except confidential documents and office notes :

Provided that a stranger may not be given a copy of exhibits admitted

in evidence, except with the consent of the person by whom they were produced or his successor-in-interest.

(3) Every such copy shall be examined and certified as correct before it is issued from the office of the Labour Court or Tribunal or an Arbitrator. No copy shall be certified unless it has been prepared in either of the afore-said offices.

(4) An application for copies of awards or other documents shall be presented between 11 a.m. and 12 noon on any working day in Form VII to the Labour Court or the Registrar of the Tribunal concerned, or in the case of an arbitration award or documents relating thereto, to the Labour Court or the Registrar of the Tribunal which has otherwise jurisdiction over the dispute.

(5) On receipt of an application for a copy, the Head Clerk or clerk concerned shall inform the applicant of the amount of fees payable and that his application will not be considered complete and the preparation of the copy will not be commenced, until he has deposited the said amount.

The receipts on account of copying and certifying fees shall be credited to the head of account specified by the State Government in this behalf.

(6) If, owing to insufficient or incorrect description the document of which a copy is sought cannot be traced that fact shall be endorsed on the application which shall be submitted to the Presiding Officer of the Labour Court or Tribunal concerned.

(7) If the estimated amount of fees is not deposited within seven days of its being notified to the applicant, the application for copy shall be rejected.

(8) If an application has been rejected under sub-rule (7) and a copy is still required, a fresh application must be presented and the same will be dealt with in the manner prescribed, as though the original application had not been made.

(9) If and when it is ascertained that additional fees are necessary, the amount thereof shall be immediately notified to the applicant and shall be deposited within seven days of receipt of the notice.

(10) The copies shall be prepared in strict order of priority, and where it is proposed to make any departure for any special reason, prior sanction of the Presiding Officer of the Labour Court or Tribunal or the Arbitrator shall be obtained.

(11) In ordinary circumstances a copy may be furnished up to 1 p.m. on the third day after the necessary fee, or additional fee, has been paid.

(12) If the applicant furnishes his address accompanied by sufficient amount (in cash) to cover the cost of registration (Acknowledgement due) a copy may be sent to him by post.

(13) When a copy is granted, the following particulars shall be recorded on the back of the copy :

- (i) Date of application for copy.
- (ii) Date of notifying the fee payable.
- (iii) Date of deposit of fee.
- (iv) Date of making over the copy to the applicant.

(14) A register shall be maintained in respect of application for copies in Form VIII and shall be daily checked by the Presiding Officer of the Labour Court or Tribunal or any other person authorized by him in this behalf.

(15) Fees for making a copy of an award of a Labour Court, Tribunal or Arbitrator, or any document filed in any proceeding before a Labour Court, Tribunal or an Arbitrator shall be charged as follows :

(a) for the first 200 words or less, 75 Naye Paise ;

(b) for every additional 100 words or fraction thereof, 38 Naye Paise :

Provided that where an award or document exceeds five pages, the approximate number of words per page shall be taken as the basis for calculating the total number of words, to nearest hundred for the purpose of assessing the copying fee :

Provided further that if a party applies for urgent delivery of a copy of any such award or document, an additional fee equal to the fee leviable under this rule shall be payable by such party.

(16) A fee of Re. 1 shall be payable for certifying a copy of any such award or document.

(17) Copying and certifying fees shall be payable in advance.

26. Application for registration of settlement.—An application for registration of settlement arrived at otherwise than in the course of conciliation proceedings before a Board shall be made in Form IX and shall be sent by the parties to the settlement or any one of them, within one month of the date of settlement, to the Conciliation Officer of the area concerned by registered post acknowledgment due, or by personal delivery. A copy of the memorandum of settlement shall be affixed by the parties to the settlement to a notice board at or near the entrance or entrances of the establishment concerned, and shall remain so affixed for a period of 15 days before making the application for registration.

27. Procedure for registration of settlement.—On receipt of an application for registration of settlement, the Conciliation Officer or the authority notified by the Government in this behalf under Section 6 B (3) of the Act may make an enquiry if he/it considers necessary. If after enquiry the Conciliation Officer or the authority concerned decides to register a settlement for which an application has been made, under sub-section (2) of Section 6-B, the registration shall be made in Form X, and a certificate of registration shall be issued to all the parties to the settlement in Form XI. If the registering authority refuses to register the settlement under sub-section (3) of Section 6-B, an intimation to this effect together with reasons for refusal to register, shall be given to all the parties to the agreement. The authority notified by the State Government for registering a settlement shall also give intimation of registration of settlement, or of the refusal thereof, as the case may be, to the Conciliation Officer of the area concerned and to the Labour Commissioner, Uttar Pradesh.

28. Persons on whom awards are binding.—An award which has become enforceable, shall be binding on—

(a) all parties to the industrial dispute ;

(b) where a party referred to in clause (a) is an employer, his heirs, successors or assigns in respect of the establishment to which the dispute relates ;

(c) where a party referred to in clause (a) is composed of workmen, all persons, who were employed in the establishment or part of the establishment, as the case may be, to which the dispute relates, on the date of the dispute and all persons who subsequently become employed in that establishment or part.

29. Recognition of protected workmen.—(1) A Union desirous of recognition of its officer or officers as “protected workmen”, shall, before the 1st day of September every year submit an application in Form XII to the Registrar, Trade Unions, Uttar Pradesh, Kanpur, appointed by the State Government under the Indian Trade Unions' Act, 1926 (Act XVI of 1926).

(2) On receipt of an application under sub-rule (1), or on his own initiative if no such application is received, the Registrar of Trade Unions may, after making such enquiries as he may consider necessary, pass appropriate orders in the matter. Such orders shall be communicated to the Union and the employer concerned and also to the Conciliation Officer of the area concerned.

(3) The names of protected workmen recognized under sub-rule (2) above shall be entered in a Register in Form XIII to be maintained in the office of the Registrar of Trade Unions, Uttar Pradesh. The Register can be inspected by any person on payment of a fee of Re. 1 during such hours as may be prescribed by the Registrar of Trade Unions, Uttar Pradesh.

(4) The recognition given to an officer under sub rule (2) shall remain in force till the 30th day of September of the year following that in which the order giving such recognition is made.

(5) If a vacancy occurs amongst the protected workmen by reason of any such workmen having died or not remaining in service or for any other reason, the Union concerned shall, within one month of the occurrence of such vacancy, inform the Registrar of it. The Registrar may fill the vacancy after such enquiry as he considers necessary.

30. Distribution of protected workmen.—(1) The distribution of protected workmen for an establishment amongst unions for the purposes of sub-section (4) of Section 6-E shall be made by the Registrar of Trade Unions, Uttar Pradesh, in proportion to their membership and after such enquiries as he may consider necessary.

(2) For the up-to-date maintenance of the register in Form XIII the Registrar of Trade Unions, Uttar Pradesh, may hold such enquiries as may be necessary and pass suitable orders which shall be final and binding on the parties concerned.

31. Application under Section 6-E.—(1) An employer intending to obtain express permission in writing of the Conciliation Officer, Board, Labour Court or Tribunal, as the case may be, under sub-section (1) or sub-section (3) of Section 6-E, shall present an application in Form XIV in triplicate to such Conciliation Officer, Board, Labour Court or Tribunal, and shall file along with the application as many copies thereof as there are opposite parties.

(2) An employer seeking the approval of the Conciliation Officer, Board, Labour Court, or Tribunal, as the case may be, of any action taken by him under clause (a) or clause (b) of sub-section (2) of Section 6-E, shall present an application in Form XV in triplicate to such Conciliation Officer, Board, Labour Court, or Tribunal, and shall file along with the application as many copies thereof as there are opposite parties.

(3) Every application under sub-rule (1) or sub-rule (2) shall be verified at the foot by the employer making it, or by the person duly authorized in this behalf by the employer acquainted with facts of the case.

(4) The person verifying the application shall specify by reference to the numbered paragraphs of the application, what he verifies of his own

knowledge and what he verifies upon information received and believed to be true.

(5) The verification shall be signed by the person making it and shall state the date on which and the place at which it was verified.

32. Application for adjudication as to whether the conditions of services, etc. changed during the pendency of proceedings—(1) An application under Section 6-F shall be presented in duplicate in Form XVI and shall be accompanied by as many additional copies of the application as there are opposite parties to the complaint.

(2) Every application under sub-rule (1) shall be verified at the foot by the workmen making it or by some other person proved to the satisfaction of the Labour Court or Tribunal to be acquainted with the facts of the case.

(3) The person verifying shall specify, by references to the numbered paragraphs of the complaint, what he verifies of his own knowledge and what he verifies upon information received and believed to be true.

(4) The verification shall be signed by the person making it and shall state the date on which and the place at which it was signed.

33. Application for the recovery of money due from an employer.—An application for the recovery of money due from an employer made by a workman under sub-section (1) of Section 6-H shall be in Form XVII.

34. Procedure for computing money value of a benefit.—(1) Where the State Government has specified a Labour Court for the purpose of computing the money value of a benefit, under sub-section (2) of Section 6-H, the Labour Court may, by an order in writing, appoint a Commissioner for such computation and ask the Commissioner to report to the Labour Court within such time as may be specified in the order :

Provided that the Labour Court may, either on its own motion or on an application made to it by the Commissioner grant extension of time for submission of the report by the Commissioner.

(2) The Commissioner shall be paid such fees, if any, as may be specified by the Labour Court in the order appointing the Commissioner and the amount of fee so fixed shall be recoverable from such party as the Court may direct. The party concerned shall in that case deposit the amount within a specified time with the Labour Court for deposit into the nearest treasury. The Commission shall not issue until the amount of fees is deposited with the Labour Court by the party concerned :

Provided that the party concerned may, from time to time, be directed by the Labour Court for deposit of further amounts, if any :

Provided further that the Labour Court may, in its discretion, extend the time for depositing the sum by the party concerned.

(3) The Labour Court may direct that the fees shall be disbursed to the Commissioner in such instalments and on such dates as it may think fit.

(4) The undisbursed balance, if any, of the sum deposited shall be refunded to the party which deposited the sum.

35. Local investigation.—If any industrial dispute in which the Labour Court deems a local investigation to be requisite or proper for the purpose of computing the money value of a benefit, the Labour Court may issue a Commission to a person referred to in rule 34 directing him to make such investigation and to report thereon to it,

36. Commissioner's report.—(1) The Commissioner, after such local inspection as he deems necessary and after reducing to writing the evidence taken by him, shall return such evidence together with his report in writing signed by him to the Labour Court.

(2) The report of the Commissioner and the evidence taken by him (but not the evidence without the report) shall be evidence in the industrial dispute and shall form part of the record of the proceedings in the industrial dispute, but the Labour Court or with the permission of the Labour Court, any of the parties to the industrial dispute may examine the Commissioner personally before the Labour Court, regarding any of the matters referred to him or mentioned in his report or as to his report, or as to the manner in which he has made the investigation.

(3) Where the Labour Court is for any reason dissatisfied with the proceedings of the Commissioner it may direct such further enquiry to be made as it deems fit.

37. Powers of Commissioner.—Any Commissioner appointed under these rules may, unless otherwise directed by the order of appointment :

- (a) Examine the parties themselves and any witnesses whom they or any of them may produce, and, any other person whom the Commissioner thinks proper to call upon to give evidence in the matter referred to him ;
- (b) call for and examine documents and other things relevant to the subject of enquiry ;
- (c) at any reasonable time enter upon or into any land or building mentioned in the order.

38. Summoning of witness, etc.—(1) The provisions of the Code of Civil Procedure, 1908 (Act V of 1908) relating to the summoning, attendance, examination of witnesses and penalties to be imposed upon witnesses, shall apply to persons required to give evidence or to produce documents before the Commissioner under these rules.

(2) Every person who is summoned and appears as a witness before the Commissioner shall be entitled to payment by the Labour Court out of the sum, deposited under rule 3 ; of an allowance for expenses incurred by him as may be directed by the Labour Court in this behalf.

39. Representation of parties before the Commissioner.—The parties to the industrial dispute shall appear before the Commissioner, either in person or by any other person who is competent to represent them in the proceedings before the Labour Court.

40. Representation of parties.—(1) The parties may, in their discretion, be represented before a Board, Labour Court or Tribunal—

- (i) in the case of a workman, subject to the provision of sub-section (3) of Section 6-I, by—

- (a) an officer of a union of which he is a member, or
- (b) an officer of a federation of unions to which the union referred to in clause (a) above is affiliated, and

(2) ¹[Where there is no union of workmen, any representative duly nominated by the workmen who are entitled to make an application before a Conciliation Board under any orders issued by Government.]

(ii) in the case of an employer, by—

- (a) an officer of a union or association of employers of which the employer is a member, or
- (b) an officer of a federation of unions or associations of employers to which the union or association referred to in clause (a) above is affiliated, or
- (c) by an officer to the concern, if so authorized in writing by the employer.

(2) A party appearing through a representative shall be bound by the acts of that representative.

41. Muster Rolls of the workmen.—The muster roll of the workmen required to be maintained by the employer under Section 6-L, shall be in Form XVIII.

42. Procedure for retrenchment of workmen.—(1) If any employer desires to retrench any workman, employed in his establishment who has been in continuous service under him for not less than one year (hereinafter, referred to as “workman” in this rule and in rule 43) he shall give notice of such retrenchment in Form XIX to the Secretary to Government, U. P., Labour (A) Department, to the Labour Commissioner, U. P. and to the Conciliation Officer of the area concerned by registered post, in the following manner :

- (a) Where a notice, as required under clause (a) of Section 6-N is given to the workman, notice of retrenchment shall be sent on the same day on which notice is given to the workman ;
- (b) where no notice is given to the workman, and he is paid one month's wages in lieu of notice, notice of retrenchment shall be sent on the same date on which wages are paid to the workman, and
- (c) where retrenchment is or is intended to be carried out under an agreement, which specifies a date for the termination of service, notice of retrenchment shall be sent on the date on which the agreement was made, if the period from the date of the agreement to the date of retrenchment is of less than one month, otherwise not less than one month before the date of retrenchment.

(2) The employer shall prepare a list of the workmen in the particular category from which retrenchment is contemplated, arranged according to the seniority of their service in that category and cause a copy thereof to be pasted on a notice board in a conspicuous place in the premises of the industrial establishment at least seven days before the date of retrenchment.

(3) Before retrenching a workman, the employer shall, for the purposes of sending intimation to the workman for re-employment as required in rule 43 obtain the address of the workman in writing from the workman duly signed, or thumb-impression affixed by the said workman.

43. Re-employment of retrenched workmen.—(1) At least ten days before the date on which any vacancies are to be filled in his industrial establishment, an employer shall arrange for the display on a notice board in a conspicuous place in the premises of the industrial establishment details of those vacancies and shall also send intimation thereof to every one of the retrenched workman eligible to be considered therefor, by registered post or

personal delivery to the address given by the workman concerned at the time of retrenchment or at any time thereafter :

Provided that where the number of such vacancies is less than the number of the retrenched workmen, it shall be sufficient if intimation is sent by the employer individually to such number of seniormost amongst the eligible workmen as is not less than double the number of the vacancies.

Provided further that where the vacancy is of a duration of less than one month there shall be no obligation on the employer to send intimation of such vacancy to individual retrenched workmen.

Provided further that if a retrenched workman does not offer himself for re-employment in spite of having received such intimation the employer may not intimate to him the vacancies that may be filled on any subsequent occasion.

(2) Unless there are good reasons to the contrary an employer shall re-employ retrenched workmen in order of their seniority as shown in the list maintained under rule 42.

SCHEDULE

FORM I

[Section 4-F and Rule 5(1)]

Memorandum of Settlement

Names and addresses of parties-----

Representing employer (s)-----

Representing Workmen-----

SHORT RECITAL OF CASE

Terms of Agreement

Witnesses :

(1)-----

(2)-----

Witnesses :

(1).....

(2).....

Place and date.....

Signatures of parties.

(Representing employers)

(Representing Workmen)

Signature of Conciliation Officer.

FORM I-A¹

(Rule 5-A)

Memorandum of Settlement

Names and addresses of parties-----

Representing employer (s)-----

Representing workmen-----

1. Inserted by a Notification Pub. in *U. P. Gaz. Extra.* dated Dec. 31, 1957.

SHORT RECITAL OF CASE

Terms of Agreement

*Signatures of parties
or their representatives.*

Witnesses :

(Employers)

(1) _____

(2) _____

Witnesses :

(Workmen)

(1) _____

(2) _____

Place and date _____

*Signature of Chairman,
Conciliation Board.*

FORM II

[Section 4-F and Rule 5(4)]

Register of Settlements

Part I

Serial no.	Industry	Parties to the settlement	Date of settlement	Remarks*
---------------	----------	---------------------------------	--------------------------	----------

*Here indicate whether the settlement was effected in the course of conciliation proceedings or otherwise at the intervention of the conciliation machinery.

Part II

(Should contain one copy each of the settlements in the serial order indicated in Part I.)

FORM III

[Section 7(ii) and Rule 5(5)]

Government Order enforcing a settlement arrived at in the course of Conciliation Proceedings

Whereas the Conciliation Board,....., constituted under clause..... of Government Order no..... dated..... has been successful in bringing about an amicable settlement in the industrial dispute between the concern known as Messrs..... and its workman/workmen..... (C. B. Case no..... of.....); and whereas in the opinion of the Governor it is necessary for the maintenance of public order and for maintaining employment to enforce the said memorandum of settlement dated....., contained in its report, dated....., .

Now, therefore, in exercise of the powers conferred by Section 3 read with section 7(ii) of the U. P. Industrial Disputes Act, 1947 (U. P. Act No. XXVIII of 1947), the Governor is pleased to order as follows, namely—

The terms of the said settlement contained in the schedule annexed herewith, shall be and are hereby enforced and shall remain in force in respect of matters covered by the said settlement and bind the said concern and its workmen for a period of.....with effect from the date of this order.

2. Any person who contravenes or attempts to contravene any provisions of this order or abets any such contravention, shall be liable, on conviction to fine or to imprisonment not exceeding three years or both.

FORM IV

[Section 4-1 (a) and Rule 7 (1)]

Notice of change in the conditions of service

Name of the employer.....

Address.....

Dated the.....day of.....19 ..

To

In accordance with the provisions of clause (a) of Section 4-I of the U. P. Industrial Disputes Act, 1947, I/We hereby inform you that it is my/our intention to effect the change (s) specified in the Annexure to this letter with effect from.....

Signature.....

Name

Designation.....

ANNEXURE

Statement of the Case

(Here specify the change/changes intended to be effected.)

FORM V

[Section 4-B (1) and Rule 8]

Arbitration Agreement

Names and addresses of the parties

Representing employers:

1.

.....

Representing workmen :

1.

2.

It is hereby agreed between the parties to refer the following industrial dispute to the arbitration of.....
[here specify the name (s) and address (es) of the arbitrator (s)]

(i) Specify matter in dispute.

(ii) Details of the parties to the dispute including the name and address of the establishment or undertaking involved.

(iii) Name (s) of the Union (s), if any, representing the workmen in question.

(iv) Total number of workmen employed in the undertaking affected.

(v) Estimated number of workmen affected or likely to be affected by the dispute.

Witnesses :

(1)

.....

(2)

.....

Signature of parties :

Representing employers

(1)*Signature,*

.....*Designation and*
.....*address*

(2)

.....

Witnesses :

(1)

(2)

Representing workmen

(1)*Signature,*

.....*Designation and*
.....*address*

(2)

.....

FORM VI

[Section 5-C and Rule 10]

Registered Acknowledgement Due

SUMMONS

No.

Before the Labour Court...../ Industrial Tribunal.....
Adjudication Case No.....of 19 .

To

(1) The Manager

.....

(2) The Secretary,

.....

.....

Whereas an industrial dispute between.....
and its workman/workmen has been referred to this Labour Court/Industrial Tribunal under Section 4-K of the U. P. Industrial Disputes Act, 1947 (U. P. Act no. XXVIII of 1947) *vide* G. O. no.....dated.....
you are hereby summoned to appear before me in person or through a duly authorized representative in accordance with rule 40 of the U. P. Industrial Disputes Rules, 1957 on the.....day of.....at.....
a.m./p.m. in the office of the Labour Court/Industrial Tribunal to answer all material questions relating to the said dispute and you are directed to produce on that day all the books, papers and other documents and things in your possession or under your control in any way relating to the matter under investigation by me. Your written statements, if any, should also be presented to me in duplicate on the date specified above.

2. The attention of all concerned is also drawn to Section 6-E of the U. P. Industrial Disputes Act, 1947 reproduced below for strict compliance.

Presiding Officer/Registrar,

Labour Court/Industrial Tribunal.

Dated.....19 .

FORM VII

[Section 5-C and Rule 25 (4)]

Application for urgent/ordinary copy of award/document in case no. of 195 . in the matter of industrial dispute between the concern/concerns known as.....and its/their workmen.

To

.....
The Presiding Officer, Labour Court/Registrar, Industrial Tribunal, Serial No.....

Description of document of which a copy is wanted, with date when necessary.....
.....
.....
.....
.....

Application is made by...
....., the under-
signed for a copy/certi-
fied copy of the mar-
ginally noted docu-
ments from the Labour
Court's/Industrial Tri-
bunal's file in the above
case which was dis-
posed of on.....
.....

Date.....

Signature of applicant.....

Office Report

The copy will cover.....sheets,

Estimate of costs.
.....Applicant's Signature
.....Record received on.....
.....Copy will be ready on..
.....Copy actually ready on..
.....

Copy delivered on.....

Serial No.

Received an application for certified copy bearing the above No. Estimated cost Rs.....
.....N. P.....To attend for copy on.....

Received copy on.

Head Clerk.

Applicant.

Note—The application will not be considered as complete until costs have been supplied in full, which must be done within seven days of the date of the estimate. All enquiries and complaints shall be accompanied by this counterfoil. It will have to be given up when the copy is delivered.

FORM VIII

[Section 5-C and Rule 25 (14)]

Register of application for copies of awards and other documents

Serial No.	Date of receipt of application	Name of applicant	Description of award or document	Copying fee assessed	Certifying fees assessed	Receipt number and date of payment of fees	Copy delivered on	Remarks
------------	--------------------------------	-------------------	----------------------------------	----------------------	--------------------------	--	-------------------	---------

FORM IX

[Section 6-B (2) and Rule 26]

Application for Registration of Settlement

To

.....

Dear Sir/Madam,

We, the following parties, viz. (names and addresses of all the parties) (Employer/Workmen).

(1)

(2)

do hereby apply for registration of the settlement arrived at between the above parties otherwise than in the conciliation proceedings on.....(Date). The memorandum of settlement in Form I, duly signed by all concerned, is hereby enclosed.

A copy of the memorandurn of settlement remained affixed on the Notice Board, as required under rule 26, from.....(date) to.....(date).

A brief recital of the case is also given below :

Yours faithfully,

(Signatures, designations and names of the parties represented)

FORM X

[Section 6-B (3) and Rule 27]

Form of Registration of Settlement

Registration No.	Name and addresses of the settlement	Terms of settlement	Date of settlement	Date of registration	Signature of the registering authority	Remarks, if any
1	2	3	4	5	6	7

FORM XI

[Section 6-B (3) and Rule 27]

Certificate of Registration of Settlement

No.....of 19 .

It is hereby certified that the memorandum of settlement.....

.....arrived at

between.....

.....

as per copy enclosed, has been registered under the U. P. Industrial Disputes

Act, 1947 (U. P. Act No. XXVIII of 1947), this.....day of

One thousand, nine hundred and.....

.....

Conciliation Officer, U. P. and

the Certifying Authority.

FORM XII

[Section 6-E (3) and Rule 29 (1)]

Application for recognition of protected workmen

To

The Registrar of Trade Unions,

Uttar Pradesh,

Kanpur.

Sir,

In the meeting of the Executive Committee of (Name and address of union)

Registration Certificate No. held on.....

the following members of the Executive who are employed as workmen of

(Name and address of establishment).....have been approved

for being recommended for registration as "protected workmen" for a period

of one year with effect from.....The Union, therefore, requests

you kindly to convey your orders to the undersigned in this matter at your

earliest convenience.

Particulars of Officers

Name with father's name	Name of establishment in which employed	Name of department, designation and ticket No.	Date of executive meeting when selected	Local postal address	Period for which subscription paid last with date	Signature or L. T. I.	Remarks

Yours faithfully,

(Principal Secretary),

.....

.....

FORM XIII

[Section 6-E (3) and Rule 29 (3)]

Register of Protected Workmen

Name and address of establishment*

Name of protected workman with father's name	Department, designation and ticket or token number	Local postal address	Name of union of which he is an officer	Date of meeting of the execu- tive comm- ittee of the union in which his name was approved as protected workman	Reference of Registrar's order by which recognized	Remarks
---	--	----------------------------	--	---	---	---------

*There should be one or more separate pages for one particular establishment.

FORM XIV

[Section 6-E and Rule 31 (1)]

Before Presiding Officer, Labour Court/Tribunal

Application for permission under sub-section (1)/sub-section (3) of Section 6-E of the U. P. Industrial Disputes Act, 1947 (U. P. Act No. XXVIII of 1947) in the matter of Reference No.

A. *Applicant,*

(Address)

*versus*B. *Opposite Party(ies).*

[Address(es)]

The abovementioned applicant begs to state as follows :

(Here set out the relevant facts and circumstances of the case and the grounds on which the permission is sought for)

The applicant, therefore, prays that express permission may kindly be granted to him to take the following action, namely :

[Here mention the action specified in clause (a) or clause (b) of sub-section (1)/sub-section (3) of Section 6-E]

Signature of the applicant

Dated this. day of 19

Space for verification.

(Signature of other person verifying)

Date (on which the verification was signed)

Place (at which the verification was signed)

FORM XV

[Section 6-E (2) and Rule 31 (2)]

Before Labour Court/Tribunal.

Application under sub-section (2) of Section 6-E of the U. P. Industrial Disputes Act, 1947 (U. P. Act No. XXVIII of 1947), in the matter of reference no.

A. *Applicant,*
(Address)

versus

B. *Opposite Party(ies).*
[Address(es)]

The abovementioned applicant begs to state as follows :

(Here set out the relevant facts and circumstances of the case)

*The workman/workmen discharged/dismissed under clause (b) of sub-section (2) of Section 6-E has/have been paid wages fore one month.

The applicant prays that the Labour Court/Tribunal may be pleased to approve of the action taken, namely :

[Here mention the action taken under clause (a) or clause (b) of sub-section (2) of Section 6-E].

Signature of the applicant.

Dated this. day of. 19

Space for verification.

(Signature of the person verifying)

Date (on which the verification was signed)

Place (at which the verification was signed).

*Delete, if not applicable.

FORM XVI

[Section 6-F and Rule 32]

Before the Labour Court/ Tribunal
.

Complaint under Section 6-F of the U. P. Industrial Disputes Act, 1947.

A. *Complainant(s),*
(Address)

versus

B. *Opposite Party(ies).*
[Address (es)]

In the matter of reference No.

The petitioner(s) begs/beg to complain that the opposite party(ies) has/have been guilty of a contravention of the provisions of Section 6-F of the U. P. Industrial Disputes Act, 1947 (U. P. Act No. XXVIII of 1947) as shown below :

(Here set out briefly the particulars showing the manner in which the alleged contravention has taken place and the grounds on which the order or act of the Management is challenged).

The complainant(s) accordingly prays/pray that the Labour Court/Tribunal may be pleased to decide the complaint set out above and pass such order or brders thereon as it may deem fit and proper.

Copies of the complaint and its annexures as required under Rule 32 of the U. P. Industrial Disputes Rules, 1957, are submitted herewith.

Signature of the Complainant(s).

Dated.this.....day of.....19 ..

Verification

I do solemnly declare that what is stated in paragraphs.....above is true to my knowledge and that what is stated in paragraphs.....above is based upon information received and believed by me to be true. This verification is signed by me at.....on.....day of.....19 ..

Signature/Thumb impression of the person verifying

FORM XVII

[Section 6-H (1) and Rule 33]

Application under Section 6-H (1) of the U. P. Industrial Disputes Act, 1947

To

The Secretary to Government,
Uttar Pradesh,
Labour (A) Department, Lucknow.

Dated.19

Sir,

I/We.....and/are entitled to receive a sum of Rs.....(in figures and words) from.....(Name and full address of the employer) under an award of the Labour Court/Tribunal/Arbitration award in case no.....of 19 .. /under a settlement, dated...../under Section 6-K/6-N of the U. P. Industrial Disputes Act, 1947. Details of the money due are given below—

(Here indicate details and particulars of the amount due).

It is, therefore, requested that the above amount may kindly be recovered from the employer(s) under Section 6-H (1) of the Act and paid to me/us.

Yours faithfully,

Signature or thumb-impression of the applicant(s).

full address.

FORM XVIII

[Section 6-L and Rule 41]

Muster Roll of workmen required to be maintained by the employer

Name of the Factory
or Department.

Monday to Friday, Saturday.....Sunday System of rotation of relays	Time of commence- ment of work	Rest period				Time of comple- tion	Month Year.....
		From	To	From	To		

FORM XIX

[Section 6-N and Rule 42]

Form of notice of retrenchment to be given by the employer under clause (a) of Section 6-N of the U. P. Industrial Disputes Act, 1947

Name of the employer

Address

To

Dated.....19 .

The Secretary to Government,

Sir,

Uttar Pradesh, Labour (A) Department, Lucknow.

Under clause (a) of Section 6-N of the U. P. Industrial Dispute Act, 1947 (U. P. Act No. XXVIII of 1947) I/we hereby inform you that I/we have decided to retrench*-----workmen with effect from the †-----for the reason explained in the Annexe.

2. ‡The workmen concerned were given on the-----one month's notice in writing as required under clause (a) of Section 6-N of the Act.

‡Retrenchment is being effected in pursuance of an agreement, a copy of which is enclosed.

‡The workmen were given on the-----19 one month's pay in lieu of notice as required under clause (a) of Section 6-N of the Act.

3. Information regarding the total number of workmen employed in the industry and the total number of those who will be affected by the retrenchment is given below :

Class or designation of workmen to be retrenched	Number of workmen	
	Employed	To be retrenched
(1)	(2)	(3)
1.		
2.		
3. etc.		

Yours faithfully,

**

*Here insert the number of workmen.

†Here insert the date.

‡Delete the portion which is not applicable.

**Here indicate the position which the person signing the letter holds with the employer issuing the letter.

ANNEXE

Statement of Reasons

Copy forwarded to:

(1) The Labour Commissioner, U. P., P. O. Box No. 220, Kanpur.

(2) The Conciliation Officer.....

Region.....

NOTIFICATIONS

Miscellaneous

No. 738 (ST)/XXXVI-A—112 (ST)-1957 dated Lucknow, Dec. 31, 1957, published in *U. P. Gaz. Extra.*, dated Dec. 31, 1957.

Whereas it is necessary in the opinion of the State Government so to do for securing the public safety and convenience and the maintenance of public order and supplies and services essential to the life of the community, and for maintaining employment ;

Now, Therefore, in exercise of the powers conferred by clause (d) of Section 3 of the U. P. Industrial Disputes Act, 1947 (U. P. Act No. XXVIII of 1947), the Governor of Uttar Pradesh is pleased to make the following order and to direct, with reference to Section 19 of the said Act, that notice of this Order be given by publication in the official *Gazette* :

ORDER

1. **Definitions.**—In this Order, unless there is anything repugnant in the subject or context,—

- (a) “Act” means the U. P. Industrial Disputes Act, 1947 ;
- (b) “Chairman” means the Chairman of a Conciliation Board ;
- (c) “Form” means a form given in the Schedule to this order ; and
- (d) “Labour Commissioner” means the Labour Commissioner, Uttar Pradesh.

2. **Reference of disputes to Conciliation Boards.**—(1) An application for the settlement of an industrial dispute may be made before the Conciliation Officer of the area concerned in Form I—

(i) in the case of a workman—

- (a) subject to the provisions of sub-section (3) of Section 6-I, by an officer of a union of which he is a member, or by an officer of a Federation of Unions to which such union is affiliated ; or
- (b) where no union of workmen exists by five representatives of the workmen employed in a concern or industry, duly elected in this behalf by a majority of the workmen employed in that concern or industry at a meeting held for the purpose ; and

(ii) in the case of an employer—

- (a) by the employer himself ; or
- (b) by an officer of a union or association of employers of which the employer is a member ; or
- (c) by an officer of a Federation of Unions or associations of employers, to which the union or association referred to in clause (b) above is affiliated ; or
- (d) where the employer is an incorporated company or other body corporate by the agent, manager or other principal officer of the corporation :

Provided that no such application shall ordinarily be entertained by the Conciliation Officer if it is in respect of a dispute arising more than six months previous to the date of the application, or if the dispute has already been the subject of proceedings before a Conciliation Board, a Labour Court or a Tribunal and finally settled :

Provided further that, notwithstanding anything contained in the foregoing proviso, the Conciliation Officer may entertain an application, if he is satisfied that the applicant had sufficient cause for not making it earlier :

Provided also that, notwithstanding anything hereinbefore contained, the Labour Commissioner or the State Government may refer a dispute to any Conciliation Officer for settlement by a Conciliation Board.

(2) Where a Conciliation Officer refuses to entertain an application, he shall record in writing his reasons for such refusal and communicate them to the applicant who may, within one month of the receipt thereof, represent against such order to the Labour Commissioner at Kanpur whose decision in the matter shall be final.

3. Constitution and composition of Conciliation Boards.—Where an industrial dispute exists or is apprehended and an application has been duly made and entertained, or where a reference has been made to him by the Labour Commissioner or the State Government under clause 2 above, the Conciliation Officer shall constitute a Board and refer the dispute to it for promoting the settlement of such dispute. The Board shall consist of—

- (i) The Conciliation Officer, who shall be its Chairman, and
- (ii) Two members—one to represent each of the parties to the dispute—who shall be appointed by the Conciliation Officer on the recommendation of each party :

Provided that if any party fails to make a recommendation in this behalf, within such time as may be specified by the Conciliation Officer, or if the member representing any party fails to attend any meeting or proceeding of the Board, the Chairman shall be competent to conduct the business of the Board notwithstanding the absence of such members.

4. Functions of Boards.—When a dispute is referred to a Board it shall be its duty to endeavour to bring about a settlement of the dispute, and for this purpose the Board shall, in such manner as it thinks fit, and without delay, investigate the dispute and all matters affecting the merits and a just settlement thereof, and may do all such things as it thinks fit for the purpose of inducing the parties to come to an amicable settlement.

5. Transaction of business.—No business shall be transacted at any meeting of a Board in the absence of the Chairman or against his consent or any direction given by him.

6. Place and time of hearing.—The sittings of a Board shall be held at such times and places as the Chairman may fix and the Chairman shall inform the parties of the same in such manner as he thinks fit.

7. Proceedings before a Board.—The proceedings before a Board shall be held in public :

Provided that the Board may, at any stage, direct that any witness shall be examined or its proceedings shall be held in camera.

8. Inclusion of other undertakings.—(1) Where a Board is of the opinion that any question involved in any dispute or matter referred to it affects or is likely to affect more than one workman in the same concern or industry or business, or more than one concern in the same industry or business, situated within the jurisdiction of the Board, it shall implead in those proceedings every such workman or concern who is or is likely to be affected or where there is a Union (an officer of which is competent to represent the workmen under Section 6-¹ of the Act and the rules made thereunder) covering the majority of such concern or workmen, such trade union :

Provided that if the question involved affects or is likely to affect concerns in the same industry or business situated elsewhere in the State,

the Board shall, after briefly recording the reasons for so doing, refer such question to the Labour Commissioner, who shall then decide to which Conciliation Officer it should be referred, and the Conciliation Officer so indicated shall, as soon as possible after the receipt of a reference in this behalf from the Labour Commissioner, constitute a Board and institute proceedings for the settlement of the dispute in accordance with the provisions of this order.

MISCELLANEOUS

9. Powers to refer additional matters to a Board for settlement.—Where any dispute or matter is pending before a Board, the State Government may, by order in writing, refer any other dispute or matter that may arise between the same parties, to the same Board for settlement.

10. Powers to withdraw references made to a Board.—The State Government may, by order in writing and for reasons stated therein, withdraw at any stage any proceeding under this Order pending before a Board or transfer a proceeding from one Board to another Board, as the case may be, for the disposal of the proceeding, and the Board to which the proceeding is so transferred may, subject to any special directions in the order of transfer, proceed either *de novo* or from the stage at which it was so transferred.

11. Members of Boards not entitled to allowances.—No travelling or daily allowances shall be admissible to a member of a Board in respect of any journey performed or time spent in connexion with any proceedings under this Order.

12. Payment of expenses to witnesses.—(1) Every person, who is summoned and duly attends or otherwise appears as a witness before a Board, shall be entitled to receive from the party concerned such allowances for expenses as, subject to such general or special instructions as may be given by the State Government, from time to time, the Board may determine.

(2) A Board, when summoning a witness at the request of a party, may require the party to deposit expenses of the witness in advance.

13. Election of workers.—Every employer and every owner and occupier of a factory or of any undertaking shall allow meetings, of workers of his undertaking or factory for electing their representatives, for the purposes of clause 2 (1) (i) (b) above :

Provided that such employer or owner or occupier shall have full discretion as regards the exact place or places where such meeting or meetings may be held :

Provided further that such employer or owner or occupier may regulate the time of such meeting or meetings in such a way that there is the least disturbance to the working of the undertaking :

Provided also that the time and place so fixed shall not deprive any worker or workers of the whole or part of the rest period to which they are entitled.

14. Leave to workmen to attend meetings of Boards, etc.—Every employer, owner or occupier of any undertaking shall permit at least two workmen at any time to be absent for such period as may be necessary for prosecuting or conducting an enquiry under the provisions of this Order concerning his undertaking, before a Board. If leave with wages is due to

such workmen, the absence shall be treated as leave with wages. If no leave with wages is due, the absence shall be treated as leave without wages.

15. **Date of commencement and operation of the Order.**—This Order shall, come into force at once and shall remain in force for a period of one year, with effect from the date of the Order, unless withdrawn or cancelled earlier.

SCHEDULE

FORM I

[Clause 2 (1)]

Form of application to a Conciliation Officer for reference of an industrial dispute to a Conciliation Board for settlement

BEFORE THE REGIONAL CONCILIATION OFFICER,.....
Applicant:

Full name of the employer, union of workmen or registered association or union of employers or registered federation of associations or trade unions of employers or workmen making the application. (In the case of a union the No. and date of registration and the industries for which it has been registered, should also be mentioned.)

Full postal address.

versus

Opposite party :

Full name of the employer, registered trade union of workmen or registered association or trade union of employers or registered federation of associations or trade unions of employers or workmen.

Full postal address.

In the matter of an industrial dispute between

The applicant respectfully submits that—

(1) an industrial dispute exists between the parties mentioned above in respect of the matters specified herein below :

(i)

(ii)

(iii)

(iv)

(v)

(2) that a demand was made on the employers/workmen for settlement thereof on.....day of.....(month) in writing/by approaching the Management/the workmen/the registered trade union of the concern through its Secretary or President ;

(3) that the representatives of the employers/workmen/registered trade union of the workmen refused in writing/verbally to settle the dispute/gave no reply ;

(4) that a dispute/difference has accordingly arisen between the parties regarding the matters mentioned in paragraph (1) above ;

(5) that the actual date on which the cause of action in respect of the dispute specified above arose is.....day of.....month.....year ;

(6) that the time lapsing between the date on which the cause of action arose and the date of this application is..... years..... months..... days.

(7) that the circumstances responsible for this lapse of time between the date on which cause of action arose and the date of making this application are as follows :

(8) that the matters of dispute specified herein above have not previously been the subject of proceedings before a Conciliation Board, a Labour Court of a Tribunal or any other authority and finally settled ;

(9) that the applicant has not sought relief in respect of the matter of dispute specified herein above in respect of which this application has been made by moving any other authority in any other law (such as Factories Act, Payment of Wages Act and U. P. Shops and Commercial Establishment Act).

The applicant, therefore, prays that a Conciliation Board be constituted forthwith for settlement of the matters of dispute specified herein to enable him to obtain the following relief :

1.

2.

3.

Date of making the application.

Signature of the applicant with name and designation.

The applicant does solemnly hereby declare that the statement made in the preceding paragraphs are true to the best of my knowledge, belief and information.

This verification is signed at.....on..... day of.....195...

Signature of the applicant.

NOTIFICATIONS

No. U-179 (ST)/XXXVI-A, dated April 30, 1957

In exercise of the powers conferred by Section 4-B of the U. P. Industrial Disputes Act, 1947 (U. P. Act No. XXVIII of 1947), the Governor of Uttar Pradesh is pleased to constitute the following Industrial Tribunals at Allahabad for adjudication of industrial disputes relating to matters, specified in the First Schedule and the Second Schedule to the said Act and further to appoint the persons, mentioned against each, who are enrolled in the list prepared under Section 4-D of the said Act, as their Presiding Officers :

Name of Industrial Tribunal

Presiding Officer

1. Industrial Tribunal (Textiles), Allahabad .. Sri K. N. Singh.

2. Industrial Tribunal (Sugar) Sri Radha Mohan.

No. U-179 (ST) (i)/XXXVI-A, dated April 30, 1957

In exercise of the powers conferred by Section 4-B of the U. P. Industrial Disputes Act, 1947 (U. P. Act No. XXVIII of 1947), the Governor of Uttar Pradesh is pleased to constitute an Industrial Tribunal (General) at Allahabad for adjudication of industrial disputes relating to matters, specified in the First Schedule and the Second Schedule to the said Act and further to appoint Sri Brij Mohan Lall, retired Judge, High Court, Allahabad, as its Presiding Officer.

No. U-180 (ST)/XXXVI-A, dated April 30, 1957

In exercise of the powers conferred by Section 4-A of the U. P. Industrial Dispute Act, 1947 (U. P. Act No. XXVIII of 1947), the Governor of Uttar Pradesh is pleased to constitute the following Labour Courts for the areas shown against each for adjudication of industrial disputes relating to matters, specified in the First Schedule to the said Act and to appoint the persons, named in column 3 below, who are enrolled in the list prepared under Section 4-D of the said Act, as Presiding Officers of the respective Courts; and under Section 11-C of the said Act, to further specify that the said Courts shall also decide questions referred to them under Section 11-C of the said Act :

Serial no.	Name of Labour Court	Presiding Officer	Area of Jurisdiction
1	2	3	4
1	Labour Court, Meerut.	Sri J. N. Khanna	.. The districts of Agra, Mathura; Aligarh, Bulandshahr. Meerut, Muzaffarnagar Saharanpur, Dehra Dun and Bijnor.
2	Labour Court, Bareilly.	Sri Brij Nandan Lal	.. The districts of Bareilly, Moradabad, Rampur, Pilibhit, Shahjahanpur, Hardoi, Sitapur, Lakhiimpur-Kheri, Lucknow, Rae Bareli, Barabanki, Faizabad, Naini Tai, Almora, Garhwal, Etah, Tehri-Garhwal, Sultanpur, and Budaun.
3	Labour Court, Kanpur.	Sri Bijay Pal Singh	.. The districts of Kanpur, Fatehpur, Farrukhabad, Jalaun, Hamirpur, Banda, Allahabad, Unnao, Etawah, Jhansi, Mainpuri and Pratapgarh.
4	Labour Court, Gorakhpur.	Sri S. B. Haikerwal	.. The districts of Gorakhpur, Basti, Azamgarh, Gonda, Bahraich, Deoria, Varanasi, Ghazipur, Ballia, Jaunpur and Mirzapur.

NOTIFICATIONS

No. 2723 (ST)/XXXVI-A—150 (ST)-57 dated Lucknow, May 20, 1957, Published in *U. P. Gaz. Extra.*, dated May 20, 1957.

In exercise of the powers conferred by Section 11-A of the U. P. Industrial Disputes Act, 1947 (U. P. Act No. 28 of 1947), the Governor of Uttar Pradesh is pleased to direct that the powers exercisable by the State Government under the following sections of the said Act shall be exercisable also by the officers mentioned against each :

Section	Officer
4-K	1. The Labour Commissioner, Uttar Pradesh. 2. The Deputy Labour Commissioner (Industrial Relations) Uttar Pradesh.
6-H	The Labour Commissioner, Uttar Pradesh.

U. P. INDUSTRIAL HOUSING ACT, 1955

(U. P. Act No. XXIII of 1955)

NOTIFICATIONS

(Published in *U. P. Gaz.* Part 1, dated June 15, 1957)

No. 308 (LL)/XXXVI-B—374-H-55 dated June 12, 1957.—In exercise of the powers conferred by sub-section (3) of Section 1 of the U. P. Industrial Housing Act, 1955 (U. P. Act No. XXIII of 1955), the Governor is pleased to direct that this Act shall come into force in the areas shown against each of the following towns with effect from June 15 1957 :

Kanpur	.. Harihar Nath Shastri Nagar, Govind Nagar, Babupurwa, Old Kanpur, Benajhabar, Jajmau, Juhi, Kalan, Rukmini Devi-ka-Ahata, Behind Ford and Macdonald.
Lucknow	.. Aishbagh.
Allahabad	.. Karela Bagh, Atala, Naini.
Mirzapur	.. Village Bathua.
Saharanpur	.. Dara Sheopuri.
Agra	.. Balkeshwar Mahadeo.
Ferozabad	.. Mill Area.
Meerut	.. Govindpuri.
Bareilly	.. Clutterbuckganj.
Rampur	.. Village Ajitpur and near Raza Sugar Mills.
Gorakhpur	.. Mohaddipur.
Hathras	.. Garhi Kandhari.

No. U. O. 308 (LL) (ii)/XXXVI-B—374-H-55.—In exercise of the powers conferred by sub-section (2) of Section 3 of the U. P. Industrial Housing Act, 1955 (U. P. Act No. XXIII of 1955), the Governor is pleased to declare that the houses specified below have been constructed by the

State Government for occupation by industrial workers under the Subsidized Industrial Housing Scheme :

City	Locality	No. of houses
Kanpur	... Harihar Nath Shastri Nagar	4,020
	Govind Nagar	744
	Babupurwa	4,416
	Old Kanpur	942
	Benajhabar	360
	Jajmau	1,280
	Juhi Kalan	2,670
	Rukmini Devi-ka-Ahata	108
	Behind Ford and Macdonald	264
Lucknow	... Aishbagh	1,046
Allahabad	... Karelalabagh, Atala	504
	Naini	216
Mirzapur	... Village Bathua	96
Saharanpur	... Dara Sheopuri	792
Agra	... Balkeshwar Mahadco	1,296
Ferozabad	... Mill Area	1,900
Meerut	... Govindpuri	120
Bareilly	... Clutterbuckganj	108
Rampur	... Village Ajitpur and near Raza Sugar Mills	384
Gorakhpur	... Mohaddipur	216
Hathras	... Garhi Kandhari	216

U. P. LARGE LAND HOLDINGS TAX RULES, 1957

Amendments

NOTIFICATION

Corrigenda

No. 7540/IC—405-C-1957 dated Lucknow, January 6, 1958, published in *U. P. Gaz. Extra.* dated January 6, 1957.

In the U. P. Large Land Holdings Tax Rules, 1957, published under Notification No. 7273/IC—405-C-1957, dated November 23, 1957, in the *U. P. Gazette Extraordinary* of the same date, make the following corrections which have been rendered necessary to bring the English version in conformity with the Hindi version of the aforesaid rules—

(1) Between “Chapter II” and rule 3 *insert* the words “Determination of Annual Value” as a heading, and *delete* the words “Determination of annual value” occurring at the beginning of rule 3.

(2) In rule 6 *for* the words “assessing authority” *substitute* the word “Collector”.

(3) Between “Chapter III” and rule 10 *insert* the words “assessments, Notices, Appeals and Revisions” as a heading, and *delete* the words “Assessments, notices, appeals and revisions” occurring at the beginning of rule 10.

(4) In rule 12—

(i) *for* the words “annual value as determined under Section 5” *substitute* the words “holding tax”, and(ii) *delete* the words “under the Act” occurring *between* the words “requisitions” and “on his agent”.(5) In rule 13 *substitute* the words “Notice Boards” *for* the words “Notice Board”.(6) At the beginning of rule 23 *substitute* the words “A revision application” *for* the words “Revision applications”.(7) Between “Chapter IV” and rule 28 *insert* the words “Recovery of Taxes and Penalties” as a heading, and *delete* the words “Recovery of taxes and penalties” occurring at the beginning of rule 28 (1).(8) In rule 28 (2) *for* the word “treasuries” between the words “tahsil” and “of the district” *substitute* the words “treasury”.(9) In rule 28 (3) *delete* the words “or otherwise” occurring between the words “imposition” and “of a penalty”.(10) In rule 31 (1) between the words “Holdings Tax” and “shall” *insert* the words “or penalty or both”.(11) Between “Chapter V” and rule 33 (1) *insert* the word “Miscellaneous” as a heading.(12) In rule 33 (2) *for* “clause (a)” *substitute* “sub-rule (1)”.(13) In Appendix II *delete* the words “for the purposes of Section 2 (2) of the Act” occurring between the words “annual value” and “shall”.(14) In Appendix II *for* the words “Seedling mango” below the words “Other fruits (excluding seedling mango)” *read* the words “Seedling mango”.(15) In paragraph 1 of Form L. L. H. T-1 (A) *for* the words “to prepare a return and correct statement of his or its value of land holding” occurring between the words and figures “exceeds Rs. 3,600” and “as it stood” *substitute* the following words—

“to prepare a correct return of annual value of his or its land holding”.

(16) In paragraph 5 of Form L. L. H. T-1 (A) between the words “assessed under” and “proviso to” *insert* the words “the second”.

(17) In paragraph 1 of Form L. L. H. T-1 (B)—

(i) *for* the words “a return and correct statement of the annual land holding value of yourself” occurring between the words “to prepare” and “firm” *substitute* the following words:

“a correct return in Form L. L. H. T-3 of the annual value of the land holding of yourself”, and

(ii) *for* the words and asterisk “yourself as the representative of the *firm” occurring between the words “said form for” and “the family” *read* as follows :

“*yourself/as the representative of the firm”.

(18) In the existing entry in column 5 of the statement in Form L. L. H. T-1 (C) *delete* the words and figures “under Section 2 (2)”.(19) In Form L. L. H. T-3 *for* the word “statement” between the words “given in the” and “is correct” *substitute* the word “return”.(20) In paragraph 1 of Form L. L. H. T-8 (ii) *delete* the words “in the above noted case” occurring in the last but one sentence.

(21) In the heading of Form L. L. H. T-9 *for* the word "of" between the words "Demand" and "Account" *substitute* the word "on".

(22) In note (2) below Form L. L. H. T-10 *for* the words "assessing authority" *substitute* the words "Collector or an officer authorized by him in this behalf".

(23) In the heading of Form L. L. H. T-11 *for* the word and figure "rule 31 (b)" *substitute* the word and figure "rule 31 (2)".

(24) In the heading of Form L. L. H. T-12 *for* the words "Return of collection" *read* "Statement of collection".

NOTIFICATION

No. 7540 (iii)/I C—405-C-1957 dated Lucknow, January 7, 1958, published in *U. P. Gaz. Extra.*, dated January 7, 1958

In continuation of Notification No. U. O. 2849/I.C—, dated December 4, 1957, and in exercise of the powers conferred by Section 29 of the U. P. Large Land Holdings Tax Act, 1957 (U. P. Act No. XXXI of 1957), the Governor is pleased to make the following amendment to the U. P. Large Land Holding Tax Rules, 1957, the same having been previously published as required by Section 29 (i) of the aforesaid Act :

Amendment

For the existing sub-rule (3) of rule 5 *substitute* the following :

"(3) An area of land holding which is permanently utilized as threshing floor shall be exempt from the holding tax subject to a maximum of 1 per cent of the net cultivated area of the land holding provided that no crop is grown thereon."

U. P. MOTOR VEHICLES TAXATION RULES, 1935

Amendments

(Published in *U. P. Gaz.* Part 1-A., dated Jan. 21, 1956)

Notification No. 4799. TM/XXX—117 (113)-T-54 dated Jan. 10, 1956. In continuation of Notification No. 3004-(M)/XXX—117 (13)-T-54, dated November 2, 1955 and in exercise of the powers conferred by Section 20 of the United Provinces Motor Vehicles Taxation Act, 1935 (Act No. V of 1935), the Governor is pleased to make the following amendment in the United Provinces Motor Vehicles Taxation Rules, 1935, the same having been published previously in the said notification as required by sub-section (1) of Section 20 of the said Act :

Amendment

After rule 34 of the United Provinces Motor Vehicles Taxation Rules 1935, the following shall be added as a new rule 35 :

"35. **Write-off of tax.**—(1) Where the owner of a motor vehicle proves to the satisfaction of the Taxation Officer that his motor vehicle has not been used for a continuous period of not less than three months since the tax or the instalment of the tax was last paid, the Taxation Officer may exempt the owner of the motor vehicle from payment of arrears of tax and write off the amount of such arrears up to a maximum of Rs. 3,000, under intimation to the Transport Commissioner. The Taxation Officer shall

record the reasons for which he considers that the tax if paid, will have to be refunded.

(2) (a) Where the amount of arrears of tax exceeds Rs. 3,000 in the case of any individual applicant the Taxation Officer shall refer the matter to the Transport Commissioner or the Deputy Transport Commissioner (Administration), if authorized in that behalf by the Transport Commissioner, for orders.

(b) The Transport Commissioner, or Deputy Transport Commissioner (Administration) as the case may be, may, if satisfied that the motor vehicle has not been used for a continuous period of not less than three months since the tax or the instalment of the tax was last paid exempt the owner of the motor vehicle from payment of arrears of tax and write-off the amount of such arrears or part thereof.

U. P. PANCHAYAT RAJ RULES

Amendments

(Published in *U. P. Gaz.* Part I-A, dated Sept. 21, 1957)

No. 2700-P/XXXIII—699-56 dated September 10, 1957.—In exercise of the powers conferred by Section 110 of the U. P. Panchayat Raj Act, 1947 (U. P. Act No. XXVI of 1947), and in continuation of Government Notification No. 324-P/XXXIII—699-56, dated March 11, 1957, the Governor of Uttar Pradesh is pleased to make the following amendments in the Uttar Pradesh Panchayat Raj Rules :

Amendments

(1) At the end of sub-rule (3) of rule 33-B, *add* the following sentence :
“Voting shall be by show of hands.”

(2) At the end of rule 46, *add* the following :

“If both the Pradhan and the prescribed authority fail to nominate any such member, the members of the Gaon Sabha and Goan Panchayat present at the meeting may elect any member of the Gaon Panchayat to preside at that meeting.”

(3) Rule 47-C shall be deleted.

(4) At the end of sub-rule (4) of rule 83-A, *for* fullstop *substitute* colon (:) and *add* the following proviso :

“Provided that where the number of the Panches of a Nyaya Panchayat is odd and the quorum determined in accordance with this sub-rule comes to a fraction of number, then the fraction shall be rounded into a whole number, for purposes of determining the quorum, *e. g.* if the number of Panches of the Nyaya Panchayat is 11 then the quorum will be formed by six Panches.”

(5) In sub rule (ii) of rule 99-A between the words “such official or Bench” and the words “shall proceed” *insert* the words “as the case may be”.

(6) *For* the title of rule 168-A, *substitute* the following :

“Interest of the backward classes and reservation for scheduled caste candidates.”

(7) In rule 216, *or* the word “who” *substitute* the words “and the Panchayat”.

U. P. SALES OF MOTOR SPIRIT TAXATION ACT, 1939

(U. P. ACT No. I OF 1939)

NOTIFICATION

(Published in *U. P. Gaz. Extra.* dated July 23, 1957)

No. 2820-E/XIII—360-55 dated Lucknow, July 23, 1957

In supersession of Rural Development Department notification No. 3548-R.XII—C, dated June 7, 1939, and in exercise of powers conferred by sub-section (1) of Section 3 of the United Provinces Sales of Motor Spirit Taxation Act, 1939 (United Provinces Act No. 1 of 1939) as amended by Uttar Pradesh Sales of Motor Spirit Taxation (Amendment) Act, 1957 (Uttar Pradesh Act No. XV of 1957), the Governor of Uttar Pradesh is pleased to order that with effect from the date of publication of this notification tax at the rate of thirty-one Naye Paise per gallon shall be levied and collected from every retail dealer on the retail sales of motor spirit.

U. P. SUGAR CANE CESS ACT, 1956

NOTIFICATIONS

(Published in the *U. P. Gaz.* Part I, dated December 1, 1956)
dated November 24, 1956

No. 5878/XVIII-C—1687-56.—In exercise of the powers conferred by sub-section (4) of Section 3 of the U. P. Sugarcane Cess Act, 1956, the Governor has been pleased to appoint the Cane Commissioner, Uttar Pradesh, as the Officer for the collection of the cess throughout the Uttar Pradesh.

No. 5879. S/XVIII-C—1687-56.—In exercise of the powers conferred by sub-section (4) of Section 3 of the U. P. Sugarcane Cess Act, 1956, the Governor has been pleased to appoint the Collector of each district as the authority for the assessment of the cess within his district.

THE UTTAR PRADESH AGRICULTURAL DISEASES AND PESTS ACT, 1954

(U. P. ACT No. XV OF 1955)

English translation of Uttar Pradesh Krishi Rogon Avam Nashak Keeton Ka Adhiniyam, 1954, as passed by the Uttar Pradesh Legislature and assented to by the Governor on October 6, 1955 and published in the U. P. Gazette Extraordinary, dated October 11, 1955

AN ACT

to prevent the introduction, spread or re-appearance of diseases and pests destructive to crops

Whereas it is expedient to make provision for preventing the introduction, spread or re-appearance of diseases and pests destructive to crops and to make provision for other matters connected therewith ;

It is hereby enacted in the sixth year of our Republic as follows :

Prefatory Note.—“Pests and diseases take a heavy toll of agricultural crops every year. With a view to combating their incidence it becomes necessary sometimes to root out

and destroy the whole crop of a particular field or fields. Collective campaigns have also to be organized and enforced covering a large number of contiguous fields so that the pests or diseases driven from one field may not find shelter in the adjoining field and from there continue to infect and damage the crop. Past experience has shown that the persuasive methods adopted so far in this direction have failed to bring any relief to improvement. The grower did neither agree to burn or destroy the affected crop nor join in any collective effort organised for eradicating pest or disease from adjoining fields. All this can be possible only through the enactment of an enabling legislation. The U. P. Agricultural Pests and Diseases Bill, 1954 is, therefore, introduced.”*

1. Short title, extent and commencement.—(1) This Act may be called the Uttar Pradesh Agricultural Diseases and Pests Act, 1954.

(2) It extends to the whole of Uttar Pradesh.

(3) It shall come into force at once.

Note.—The Act came into force on the 11th of October, 1955.

2. Definitions.—In this Act, unless there is anything repugnant to the subject or context—

- (a) “affected Area” means any area declared as such under Section 3;
- (b) “District Magistrate” includes any Officer authorised by the District Magistrate to perform the functions of a District Magistrate under this Act;
- (c) “noxious weeds” means any weed declared as such by the State Government under Section 3;
- (d) “occupier” means any person in actual occupation of the land, water, premises and includes a person who has for the time being right of occupation of the same;
- (e) “parasite” means any plant or animal carrying on its existence wholly or in part on any agricultural crop, plant, tree, bush or herb which may be declared as such by the State Government under Section 3;
- (f) “pest” means any insect, invertebrate animal or vertebrate animal which has been declared as such by the State Government under Section 3;
- (g) “plant” includes all horticultural or agricultural crops, trees, bushes or herbs and includes the seed, fruit, leaves, trunk, roots bark or cutting or any part thereof;
- (h) “plant disease” means any fungoid, bacterial, virus parasitical or other disease declared to be a plant disease by the State Government under Section 3;
- (i) “prescribed” means prescribed by rules made under this Act; and
- (j) “State Government” means the Government of Uttar Pradesh.

3. Declaration by the State Government.—Where it appears to the State Government that any disease, pest, parasite or weed is injurious to plants in any area and that it is necessary to take measures to eradicate such disease, parasite, pest or weed or to prevent its introduction, spread or re-appearance the State Government may by order published in the official *Gazette*, declare the area to be an affected area for such period as may be specified, and with reference to such area, also—

- (a) declare any disease parasite, pest or weed to be a plant disease, parasite, pest or noxious weed for purposes of this Act;

* *Vide* Statement of Objects and Reasons published in the *U. P. Gazette, Extraordinary*, dated August 9, 1955.

- (b) prohibit or restrict the movement or removal of any plant, soil or manure from one place to another ;
- (c) direct that such preventive or remedial measures shall be carried out as the District Magistrate may consider necessary to eradicate, destroy or prevent the introduction, spread and re-appearance of any noxious weed, parasite, pest, plant, or plant disease ; and
- (d) prohibit the plantation or growing of any plant, within such area as may be specified, which is likely to be injurious to the other crops in the area so specified.

4. **Power to issue directions.**—(1) On or after the issue of a notification under Section 3, the District Magistrate may, by notice—

- (i) direct every occupier within the affected area to carry out such preventive or remedial measures as the District Magistrate may specify in the notice, to eradicate, destroy or prevent the introduction, spread, or re-appearance of any parasite, noxious weed, pest, plant or plant disease ; and
- (ii) call upon any male person, not being below the age of 18 years and residing within the said area, to render such assistance in carrying out the measures referred to in clause (i) :

Provided that no person who is by reason of old age, physical disability or any other reasonable cause, incapable of rendering assistance or who lives at a distance of more than 5 miles from the place where his presence is required shall be called upon to render such assistance ;

- (iii) specify the area within which and the period during which the measures specified in clause (i) are to be carried out.

(2) It shall not be necessary to notify every occupier under clause (i) of sub-section (1) or other person whose assistance is required under clause (ii) of the said sub-section and a proclamation in this behalf made by beat of drum or other customary mode in the area, village or locality shall be deemed sufficient notice to all affected persons residing in that area, village or locality.

5. **Power to enter upon land or premises.**—Any officer who may be authorized by the District Magistrate in this behalf may after giving notice enter upon any land, water, premises situate in the affected area for the purposes of ascertaining whether—

- (i) any noxious weed, parasite, pest or plant disease exists on such land, water or premises ; and
- (ii) the prescribed preventive or remedial measures specified in clause (i) of sub-section (1) of Section 4 are being carried out.

6. **Power to carry out measures.**—Where on inspection of any land, water or premises an officer authorized in this behalf under Section 5, finds that the preventive or remedial measures specified under clause (i) of sub-section (1) of Section 4 have not been carried out as directed, he may, subject to any general or special order of the District Magistrate, carry out at the expense of the occupier the said preventive or remedial measures.

7. **Recovery of costs.**—The cost of any preventive or remedial measure carried out under Section 6 shall be recoverable from the occupier as arrears of land revenue.

8. **Appeal against costs.**—(1) Any occupier referred to in Section 7 may, within thirty days from the date of the first demand of such cost, prefer an appeal to the District Magistrate on the grounds that—

(i) the costs include charges for items other than the cost of labour, material or use of implements.

(ii) the charges for labour, material, or use of implements are unreasonably high, or more than the expenditure actually incurred.

(2) On receipt of the appeal under sub-section (1) the District Magistrate shall, after giving the occupier opportunity of being heard, pass such orders thereon as he thinks fit.

(3) An order passed under sub-section (2) shall be final and conclusive and shall not be called in question in any court of law.

9. **Failure to carry out directions or render assistance.**—(1) The District Magistrate may, if after hearing the objection of the person concerned, is satisfied that—

(a) an occupier failed to comply with any directions issued under Section 4 ; or

(b) any person failed to render assistance required of him under Section 4 ;

order such occupier or person to pay a penalty up to Rs. 50.

(2) The order requiring payment of penalty under sub-section (1) shall be final and conclusive and shall not be questioned in any court.

(3) The penalty under sub-section (1) shall be recoverable as arrears of land revenue.

10. **Bar to suits or other legal proceedings.**—No suit, prosecution or other legal proceedings shall lie against the State Government or any officer in respect of anything done or intended to be done in good faith under this Act, or for any damage caused by any action taken in good faith in carrying out the provisions of this Act.

11. **Delegation of powers.**—The State Government may by notification in the official *Gazette* delegate to any officer or authority any of the powers conferred on it by this Act to be exercised subject to any restriction and conditions as may be specified in the notification.

12. **Power to issue rules.**—(1) The State Government may after previous publication make rules for the purpose of carrying into effect the provisions of this Act.

(2) All rules made under this Act shall—

(a) be published in the official *Gazette* and shall, unless some other date is appointed, come into force on the date of such publication, and

(b) be laid for not less than fourteen days before the State Legislature as soon as they are made and shall be subject to such modifications as the State Legislature may make during the session in which they are so laid.

THE CODE OF CRIMINAL PROCEDURE (U. P. AMENDMENT) ACT, 1955

(U. P. ACT No. XXII OF 1955)

English translation of the Code of Criminal Procedure (Uttar Pradesh Sanshodhan) Adhiniyam, as passed by the Uttar Pradesh Legislature and assented to by the President on November 8, 1955, and published in the U. P. Gazette, Extraordinary, dated November 10, 1955

AN ACT

to amend the Code of Criminal Procedure, 1898 (Act V of 1898), in its application to Uttar Pradesh

Whereas it is expedient to amend the Code of Criminal Procedure, 1898 (Act V of 1898), in its application to Uttar Pradesh for certain purposes ;

It is hereby enacted in the Sixth Year of the Republic of India as follows :

Prefatory Notes.—"Sections 408 and 409 of the Code of Criminal Procedure, 1898 (Act V of 1898), are being amended by the Government of India, Code of Criminal Procedure (Amendment) Bill, 1954. The above sections were amended by the State Government by the Code of Criminal Procedure (Amendment) Act, 1948, in their application to Uttar Pradesh. As the form now being given to these sections in the Central Bill is slightly different from and wider in scope than the sections as amended by the State Legislature, it is expedient that these sections as at present applicable to U. P. should be amended so that after the Central Bill has become an Act and comes into force, the same version as introduced by the Central Act should be in force in U. P. as well".*

1. **Short title, extent and commencement.**—(1) This Act may be called the Code of Criminal Procedure (U. P. Amendment) Act, 1955.

(2) It extends to the whole of Uttar Pradesh.

(3) It shall come into force on such date as the State Government may by notification in the official *Gazette* appoint in this behalf.

2. **Amendment of Section 408 of Act V of 1898.**—In Section 408 of the Code of Criminal Procedure, 1898 (hereinafter referred to as the Principal Act)—

(a) for the words "A Sub-divisional Magistrate of the Second class or a Magistrate of the First class or the District Magistrate" the words "any Magistrate" shall be substituted ; and

(b) in the proviso in clause (b) the words "or any sentence of transportation" shall be deleted.

3. **Amendment of Section 409 of Act V of 1898.**—For Section 409 of the Principal Act, the following shall be substituted :

"409. **Appeals to Courts of Session how heard.**—(1) Subject to the provisions of this section, an appeal to the Court of Session or Sessions Judge shall be heard by the Sessions Judge or by an Additional Sessions Judge or an Assistant Sessions Judge :

Provided that no such appeal shall be heard by an Assistant Session Judge unless the appeal is of a person convicted on a trial held by any Magistrate of second or third class.

(2) An Additional Sessions Judge or an Assistant Sessions Judge shall hear only such appeals as the State Government may, by general or special order direct or as the Sessions Judge of the division may make over to him."

*Vide Statement of Objects and Reasons, published in the U. P. Gazette, Extraordinary, dated July 12, 1955.

THE END

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